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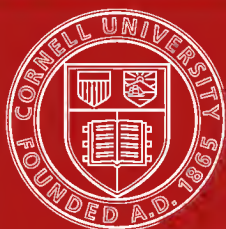
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THIRD EDITION

HANDBOOK
NAVIGATION LAWS
OF THE
UNITED STATES.

SECTIONS AND ACTS APPLICABLE TO
Shipment and Discharge of Seamen.

Qualifications of Licensed Officers,
Manning Scale, Etc.

SEAMEN'S ACT

NOTES AND TABLES

COMPILED BY
WALTER MACARTHUR

PRINTED AND PUBLISHED AT SAN FRANCISCO, CAL.
1918.

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The Jamea H. Barry Co.,
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PREFACE TO THIRD EDITION.

The first edition of the Handbook (1915) contained the law as it existed prior to the enactment of the Seamen's Act, March 4, 1915. The second edition (1916) contained the law as amended by the Seamen's Act and other legislation of the same period.

The present edition contains the law as it exists at the time of publication, including Executive Orders, Department Regulations and rulings. The laws are printed in full.

The work is enlarged by additional matter under the heads: "Marine Hospital Service," "Immigration Act and Head Tax," and "Compensation For Accidents." The Appendix contains a number of new features explanatory of the Seamen's Act, war regulations, seamen's insurance, etc.

The Notes following certain sections are based in most instances upon the judgments rendered by the Admiralty courts, Government regulations, and rulings of other authorities.

In order that the law in any given instance may be readily determined, the reader should in all cases refer to the Table of Sections on pages 138-142. The segregation of the sections under the heads, "General," "Foreign," "Coastwise," and "Fisheries," will enable the reader to find the law applicable in each case.

The definitions in these pages of the foreign and coastwise trades are made with reference solely to the application of the Navigation Laws to seamen. These definitions must not be confused with the general laws, Customs regulations, etc., in respect to the foreign and coastwise trades.

The work has been entirely revised and brought to date in each particular.

W. M.

San Francisco, Cal.,
May, 1918.

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DEFINITION OF TERMS.

R. S. 4612.*

In the construction of this Title [R. S., 4501-4613], every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof.

Every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman."

The term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable.

The term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

NOTE.

For other definitions see respective titles in Index.

CITIZENSHIP OF SEAMEN.

R. S. 2174.

CITIZENSHIP AFTER 3 YEARS' SERVICE.

Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his Certificate of Discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States.

Every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel

*Section of Revised Statutes of the United States.

of the United States, anything to the contrary in any act of Congress notwithstanding.

DECLARATION OF INTENTION INSURES PROTECTION AS CITIZEN.

Such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

NOTES.

For the purpose of acting as watch-officer, either on sail or steam vessels, or securing a license to serve in that capacity, full citizenship is required. (See Act, May 28, 1896, below.)

R. S. 4588 provides that every Collector of Customs shall keep a book, in which, at the request of any seaman who is a citizen, he shall enter the name of such seaman, and deliver to the seaman a certificate of his citizenship.

For regulations regarding the issuance of Certificates of Citizenship see Appendix, page 7.

QUALIFICATIONS OF OFFICERS.

R. S. 4131.

WATCH OFFICERS MUST BE CITIZENS.

All the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. (Metlakahtla Indians excepted.)

ACT, JUNE 26, 1884 (DINGLEY ACT).

VACANCY MAY BE FILLED BY NON-CITIZEN.

In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port, and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.

ACT, MAY 28, 1896.

ENGINEERS ARE OFFICERS.

The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam.

FULL CITIZENSHIP REQUIRED.

After January 1, 1897, no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed.

NOTE.

For suspension of requirement of citizenship see Ship Registry Act, page 21.

SERVICE DURING WAR.

No master, mate, pilot, or engineer of steam vessels licensed under title fifty-two [R. S., 4399-4500] of the Revised Statutes, shall be liable to draft in time of war, except for the performance of duties such as required by his license.

While performing such duties in the service of the United States, every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar service.

If killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army and Navy, under the pension laws of the United States.

R. S. 4438.

OFFICERS MUST BE LICENSED.

The Boards of Local Inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire.

It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over seven hundred gross tons, or of any other vessel of over one hundred gross tons carrying passengers for hire, who is not licensed by the Inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense.

R. S. 4439.

MASTER'S LICENSE.

Whenever any person applies to be licensed as master of any steam vessel, or of a sail vessel of over seven hundred tons, the Inspectors

shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this title [R. S., 4399-4500] applicable to him.

R. S. 4440.

MATE'S LICENSE.

Whenever any person applies for authority to be employed as chief mate of ocean or coastwise steam vessels or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steam vessels, who shall have charge of a watch, or whenever any person applies for authority to be employed as mate of river steamers, the Inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo and in handling and stowage of freight, and if for license as chief mate on ocean or coastwise steamers, or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steamers, who shall have charge of a watch, shall also examine him as to his knowledge and ability in navigation and managing such vessels and all other duties pertaining to his station, and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of five years upon the waters upon which he is found qualified to act; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station or the willful violation of any provision of this title [R. S., 4399-4500].

R. S. 4441.

ENGINEER'S LICENSE.

Whenever any person applies for authority to perform the duties of engineer of any steam-vessel, the Inspectors shall examine the applicant as to his knowledge of steam-machinery, and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge, and experience in the duties of an

engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of five years, in which they shall assign him to the appropriate class of engineers; but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any provision of this Title [R. S., 4399-4500].

REVOCATION OF ENGINEER'S LICENSE.

Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the inspectors, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if they find him fitted therefor.

R. S. 4442.

PILOT'S LICENSE.

Whenever any person claiming to be a skillful pilot of steam-vessels offers himself for a license, the Inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of this title [R. S., 4399-4500].

R. S. 4443.

MASTER OR MATE ACTING AS PILOT.

Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity.

R. S. 4444.

PILOTS NOT REQUIRED TO HAVE STATE LICENSE.

No State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this Title [R. S., 4399-4500].

R. S. 4445.

OATH OF OFFICER.

Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the Inspectors herein provided for [Inspectors of Steam Vessels], to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

APPLICANT FOR LICENSE MUST MAKE OATH.

Every applicant for license as either master, mate, pilot, or engineer under the provisions of this Title [R. S., 4399-4500] shall make and subscribe to an oath or affirmation, before one of the Inspectors referred to in this title, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this title and knowing the same to be false shall be deemed guilty of perjury.

PENALTY FOR ALTERING CERTIFICATE OF LICENSE.

Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate of license issued by any Inspector or Inspectors referred to in this title shall, for every such offense, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment at hard labor for a term not exceeding three years.

R. S. 4446.

LICENSE MUST BE DISPLAYED.

Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times:

Provided, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel.

For every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license.

R. S. 4447.

RENEWAL IN DISTRICT DISTANT FROM LOCAL BOARD.

When any licensed officer is employed on a steamer in a district distant from any Local Board of Inspectors, such Inspectors, or the Supervising Inspector of the District, may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the Board of Supervising Inspectors shall prescribe.

R. S. 4448.

OFFICERS MUST ASSIST INSPECTORS.

All officers licensed under the provisions of this title [4399-4500] shall assist the Inspectors in their examination of any vessel to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the Inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

NAME OF INFORMANT SHALL NOT BE MADE PUBLIC.

No Inspector or Supervising Inspector receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of this title is being violated, shall impart the name of such licensed officer, or the source of his information, to any person other than his superiors in the Steamboat-Inspection Service. Any Inspector or Supervising Inspector violating this provision shall be subject to dismissal from the Service.

R. S. 4449.

REVOCATION AND SUSPENSION OF LICENSES.

If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to perform his official duties after hav-

ing signed Articles or while employed on any vessel as authorized by the terms of his certificate of license, or if any pilot or engineer shall refuse to admit into the pilot-house or engine-room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license.

R. S. 4450.

METHOD OF INVESTIGATING MISCONDUCT.

The Local Boards of Inspectors shall investigate all acts of incompetency or misconduct committed by any licensed officer while acting under the authority of his license, and shall have power to summon before them any witnesses within their respective districts, and compel their attendance by a similar process as in the United States district courts; and they may administer all necessary oaths to any witnesses thus summoned before them; and, after reasonable notice in writing, given to the alleged delinquent, of the time and place of such investigation, such witnesses shall be examined, under oath, touching the performance of his duties by any such licensed officer; and if the Board shall be satisfied that such licensed officer is incompetent, or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or willfully violated any provisions of this Title [R. S., 4399-4500], they shall immediately suspend or revoke his license.

R. S. 4452.

APPEAL FROM DECISION OF LOCAL INSPECTOR.

Whenever any Board of Local Inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation, may, within thirty days thereof, on application to the Supervising Inspector of the District, have his case examined anew by such Supervising Inspector; and the Local Board shall furnish to the Supervising Inspector, in writing, the reasons for its doings in the premises; and such Supervising Inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance and to administer oaths that are conferred on Local Inspectors; and such witnesses and the Marshal shall be paid in the same manner as provided for by the preceding section; and such Supervising Inspector may revoke, change, or modify the decision of such Local Board.

APPEAL FROM DECISION OF SUPERVISING INSPECTOR.

In cases of trials for the revocation or suspension of an officer's license, where either the license has been revoked or suspension for more than six months has been made, and such action has been affirmed by the Supervising Inspector, the officer whose license is in question may have the case examined anew by the Supervising Inspector-General, who shall have the same powers to summon witnesses, to compel their attendance, and to administer oaths as are conferred on Local Inspectors, and the Supervising Inspector-General may revoke, change, or modify said decisions. Application for such re-examination of the case shall be made to the Supervising Inspector-General within thirty days after the final decision by the Supervising Inspector.

ACT, OCT. 22, 1914.

DURATION AND RENEWAL OF LICENSES.

All licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years in the manner prescribed in the rules and regulations of the Board of Supervising Inspectors.

Provided, however, That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for renewal and transmit the same to the Board of Local Inspectors with his certificate of citizenship, if naturalized, and a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person.

Upon receiving the same the Board of Local Inspectors that originally issued such license shall renew the same and shall notify the applicant of such renewal.

EXAMINATION AS TO COLOR BLINDNESS.

Provided, further, That no license as master, mate or pilot of any class of vessel shall be renewed without furnishing a satisfactory certificate of examination as to color blindness.

OFFICERS ALLOWED COUNSEL.

In all cases where the issue is the suspension or revocation of such licenses, whether before the Local Board of Inspectors of Steam Vessels as provided for in Section 4450 of the Revised Statutes, or before the Supervising Inspector as provided for in Section 4452 of the Re-

vised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf.

R. S. 4250.

REMOVAL OF MASTER.

Any person or body corporate having more than one-half ownership of any vessel shall have the power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner.

This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession, nor in any case where a master has possession as part owner, obtained before the 9th day of April, 1872.

NOTES.

R. S. 4455 provides that "the Inspectors of one district shall not license a person coming from another district, if such person has been rejected for unfitness or want of qualifications."

For licensed officers of motor boats, etc., see Motor Boat Law, page 24.

MANNING OF INSPECTED VESSELS.

R. S. 4463.

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 14).

COMPLEMENT OF OFFICERS AND CREW.

Any vessel of the United States subject to the provisions of this title or to the Inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew, including certificated lifeboat men, separately stated, as may, in the judgment of the Local Inspectors who inspect the vessel, be necessary for her safe navigation.

The Local Inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, including certificated lifeboat men, separately stated, which may be changed from time to time by indorsement on such certificate by Local Inspectors by reason of change of conditions or employment.

Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce, to the Supervising Inspector and from him to the Supervising Inspector-General, who shall have the power to revise, set aside, or affirm the said determination of the Local Inspectors.

VACANCIES TO BE FILLED.

If any such vessel is deprived of the services of any number of the crew, including certificated lifeboat men, separately stated, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage.

Provided, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. (See R. S. 4516, page 45.)

If the master shall fail to explain in writing the cause of such deficiency in the crew, including certificated lifeboat men, separately stated, to the Local Inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of fifty dollars.

If the vessel shall not be manned as provided in this Act, the owner shall be liable to a penalty of one hundred dollars, or, in case of an insufficient number of licensed officers, to a penalty of five hundred dollars.

R. S. 4477.

PASSENGER VESSELS MUST CARRY WATCHMEN.

Every steamer carrying passengers during the night-time shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster.

R. S. 4478.

PENALTY FOR NEGLECT TO KEEP WATCHMEN.

For any neglect to keep the watchmen required by the preceding section, the license of the officer in charge of the vessel for the time being shall be revoked.

Every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined one thousand dollars.

OFFICERS' MANNING SCALE AND WORKDAY.

R. S. 4463.

Act, March 3, 1913 (Hardy Act).

MINIMUM NUMBER OF LICENSED DECK OFFICERS.

The Board of Local Inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

EVERY VESSEL MUST HAVE ONE DULY LICENSED MASTER.

No such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

VESSELS OF ONE THOUSAND TONS AND OVER.

Every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than four hundred miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates.

VESSELS OF TWO HUNDRED TONS AND LESS THAN ONE THOUSAND TONS.

Every vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have two licensed mates.

VESSELS OF ONE HUNDRED TONS AND UNDER TWO HUNDRED TONS.

Every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate; but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours, then such vessel shall have two licensed mates.

NUMBER OF OFFICERS MAY BE INCREASED.

Nothing in this section shall be so construed as to prevent Local Inspectors from increasing the number of licensed officers on any vessel subject to the Inspection laws of the United States, if, in their judgment, such vessel is not sufficiently manned for her safe navigation.

WHALING VESSELS, ETC., EXEMPTED.

Provided, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats, as defined in the Act of June 9, 1910. (See page 24.)

TIME OFF DUTY BEFORE TAKING WATCH.

It shall be unlawful for the master, owner, agent, or other person having authority, to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing.

OFFICERS' WORKDAY IN PORT AND AT SEA.

No licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of one hundred dollars.

POSTAL SUBSIDY ACT.

ACT, MARCH 3, 1891.

PROPORTION OF CITIZENS IN CREW.

The vessels employed in the mail service under the provisions of this Act shall be American-built steamships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit:

During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof.

CADETS OR APPRENTICES.

Said vessels shall take, as cadets or apprentices, one American-born boy, under twenty-one years of age for each one thousand tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

WIRELESS COMMUNICATION.

ACT, JULY 23, 1912.

VESSELS TO WHICH LAW APPLIES.

From and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred miles, day or night.

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or other of whom shall be on duty at all times while the vessel is being navigated.

Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of one hundred dollars.

The provisions of this section shall not apply to steamers plying between ports, or places, less than two hundred miles apart.

Provided, That on cargo steamers, in lieu of the second operator provided for in this Act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.

ACT, AUGUST 13, 1912.

OPERATORS MUST BE LICENSED.

Every such apparatus shall at all times while in use and operation as aforesaid be in charge or under the supervision of a person or persons licensed for that purpose by the Secretary of Commerce. Every person so licensed who in the operation of any radio apparatus shall fail to observe and obey regulations contained in or made pursuant to this Act or subsequent Acts or treaties of the United States, or any one of them, or who shall fail to enforce obedience thereto by any unlicensed person while serving under his supervision, in addition to the

punishments and penalties herein prescribed, may suffer the suspension of the said license for a period to be fixed by the Secretary of Commerce not exceeding one year.

It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge or in supervision of the use and operation of such apparatus, and any person violating this provision shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than two months, or both, in the discretion of the court, for each and every offense.

TEMPORARY PERMITS.

Provided, That in case of emergency the Secretary of Commerce may authorize a Collector of Customs to issue a temporary permit, in lieu of a license, to the operator on a vessel subject to the radio ship Act of June 24, 1910.

SHIP REGISTRY ACT.

ACT, AUGUST 18, 1914.

SUSPENSION OF REQUIREMENT OF CITIZENSHIP.

The words "not more than five years old at the time they [foreign-built vessels owned by citizens of the United States] apply for registry" in section 5 of the Act entitled "An Act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," are hereby repealed.

Sec. 2. That the President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

Under like conditions, in like manner, and to like extent the President of the United States is also hereby authorized to suspend the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this Act.

Sec. 3. This Act shall take effect immediately.

DEPARTMENT CIRCULAR.

ALIENS MUST BE EXAMINED FOR LICENSES.

Pending further instructions, licenses issued to officers of vessels admitted to American registry under the Act approved August 18, 1914, shall be subject to the same conditions of examination as apply to our own officers of those enjoying American citizenship, with the exception that the qualification of American citizenship is waived.

These licenses will be issued on the regular forms now in use, but there will be endorsed on the margin of the license or in the blank space such as appears on ocean licenses for master and mates, the following legend:

"Valid only on steamer ———, admitted to American registry under the provisions of an Act of Congress approved August 18, 1914."

This legend or endorsement will be in red ink and in as large script as the space will permit, so that the character of the license may be clearly determined by the ordinary observer.

EXECUTIVE ORDER.

September 4, 1914.

REQUIREMENT OF CITIZENSHIP SUSPENDED FOR SEVEN YEARS.

In pursuance of the authority conferred upon the President of the United States by Section 2 of the Act approved August 18, 1914, entitled "An Act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," it is hereby ordered:

1. That the provisions of the law prescribing that the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States, are hereby suspended so far and for such length of time as is herein provided, namely: All foreign-built ships which shall be admitted to United States registry under said Act may retain the watch officers employed thereon, without regard to citizenship, for seven years from this date, and such watch officers shall be eligible for promotion. Any vacancy occurring among such watch officers within two years from this date may be filled without regard to citizenship; but any vacancies which may occur thereafter shall be filled by a watch officer who is a citizen of the United States.

2. That the provisions of law requiring survey, inspection and measurement, by officers of the United States, of foreign-built ships admitted to United States registry under said Act are hereby suspended for two years from this date.

WOODROW WILSON.

EXECUTIVE ORDER.

September 1, 1916.

ALIENS MAY SERVE AS OFFICERS UNTIL FULLY NATURALIZED.

The President of the United States, in pursuance of the authority conferred upon him by Section 2 of the Act approved August 18, 1914, entitled "An Act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," and in order to extend the privileges of said Act with respect

to the licensing of officers and non-inspection of such vessels admitted to American registry, ordered as follows:

1. That the provisions of the law prescribing that the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States, are hereby suspended so far and for such length of time as is herein provided, namely: All watch officers now employed on foreign-built ships which have been admitted to United States registry under said Act, who, heretofore, have declared their intention to become citizens of the United States, and watch officers on such ships who, within six months from this date, shall declare their intention to become such citizens shall be entitled to serve on foreign-built ships so registered until the time shall have expired within which they may become such citizens under their declarations, and shall be eligible for promotion upon any foreign-built ship so registered.

2. That the provisions of law requiring survey, inspection, and measurement, by officers of the United States, of foreign-built ships admitted to United States registry under said Act are hereby suspended so far and for such length of time as is herein provided, namely: The said provisions shall not apply to any such foreign-built ship during the period of one year from this date, provided the Secretary of Commerce is satisfied in the case of any such ship that the ship is safe and seaworthy and that proper effort is being made to comply with the said provisions.

WOODROW WILSON.

EXECUTIVE ORDER.

July 3, 1917.

ALIENS OF ALLIED OR NEUTRAL NATIVITY MAY SERVE AS OFFICERS DURING THE WAR.

In pursuance of the authority conferred upon the President of the United States by Section 2 of the Act approved August 18, 1914, entitled "An Act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," it is hereby ordered:

That the provisions of law prescribing that the watch officers of vessels of the United States registered for the foreign trade shall be citizens of the United States, are hereby suspended so far and for such length of time as is herein provided, namely:

That all citizens or subjects of nations which are or which may hereafter be engaged in the present war against the Imperial German Government or any of its allies, and all such citizens or subjects of neutral nations as shall satisfy the Secretary of Commerce that their attitude toward the purposes of the United States in the war it is now waging is not detrimental to the successful prosecution of the war, may, for the duration of the war be permitted to act as watch officers of vessels of the United States registered for the foreign trade, if otherwise qualified: Provided, That if it shall appear to the satisfaction of the Secretary of Commerce that any such citizen or subject, whether of a belligerent or neutral nation, has committed any act inimical to the United States in the conduct of the war, the said Secretary may, in each such case, withdraw the exemption provided for herein, and such exemption shall not again apply to any such alien citizen or subject. And the Secretary of Commerce is hereby authorized to prescribe such rules and regulations as may be necessary to carry this order into effect.

WOODROW WILSON.

EXECUTIVE ORDER.

September 7, 1917.

SURVEY OF FOREIGN-BUILT SHIPS SUSPENDED UNTIL SEPTEMBER 1, 1919.

In pursuance of the authority conferred upon the President of the United States by Section 2 of the Act approved August 18, 1914, entitled "An Act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," it is hereby ordered:

That the provisions of law requiring survey, inspection and measurement, by officers of the United States, of foreign-built ships admitted to United States registry under said Act are hereby suspended so far and for such length of time as is herein provided, namely: The said provisions shall not apply to any such foreign-built ship during the period of two years from September 1, 1917, provided the Secretary of Commerce is satisfied in the case of any such ship that the ship is safe and seaworthy and that proper effort is being made to comply with the said provision.

WOODROW WILSON.

MOTOR BOAT LAW.

ACT, JUNE 9, 1910.

DEFINITION OF WORDS "MOTOR BOAT."

The words "motor boat" where used in this Act shall include every vessel propelled by machinery and not more than sixty-five feet in length except tug boats and tow boats propelled by steam.

LICENSED PERSON IN CHARGE.

All motor boats carrying passengers for hire shall carry one life-preserver of the sort prescribed by the regulations of the Board of Supervising Inspectors for every passenger carried, and no such boat while so carrying passengers for hire shall be operated or navigated except in charge of a person duly licensed for such service by the Local Board of Inspectors.

NO EXAMINATION REQUIRED.

No examination shall be required as the condition of obtaining such a license, and any such license shall be revoked or suspended by the Local Board of Inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation: Provided, That motor boats shall not be required to carry licensed officers, except as required in this Act.

A fine not exceeding one hundred dollars may be imposed for any violation of this Act.

FERRYBOATS, CANAL-BOATS, ETC.

ACT, MAY 16, 1906.

LICENSED ENGINEER AND PILOT.

The hull and boilers of every ferryboat, canal-boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this Title [R. S., 4399-4500].

Such other provisions of law for the better security of life as may be applicable to such vessel shall, by the regulations of the Board of Supervising Inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: Provided, however, That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of Section 4426 of the Revised Statutes of the United States relating to the inspection of hulls and boilers and requiring engineers and pilots. [Penalties as provided in R. S., 4496-4500.]

SHIPPING COMMISSIONER.

R. S. 4508.

DUTIES OF SHIPPING COMMISSIONER.

The general duties of a Shipping Commissioner shall be:

1. To afford facilities for engaging seamen by keeping a register of their names and characters.
2. To superintend their engagement and discharge, in manner prescribed by law.
3. To provide means for securing the presence on board at the proper times of men who are so engaged.
4. To facilitate the making of apprenticeships to the sea service.
5. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

R. S. 4503.

COLLECTOR OF CUSTOMS MAY ACT IN ABSENCE OF SHIPPING COMMISSIONER.

In any port in which no Shipping Commissioner shall have been appointed, the whole or any part of the business of a Shipping Commissioner shall be conducted by the Collector or Deputy Collector of Customs of such port; and in respect of such business such Custom-house shall be deemed a shipping-office, and the Collector or Deputy Collector of Customs to whom such business shall be committed, shall, for all purposes, be deemed a Shipping Commissioner within the meaning of this Title [R. S., 4501-4613].

R. S. 4504.

PENALTY FOR ILLEGALLY ACTING AS SHIPPING COMMISSIONER.

Any person other than a Commissioner under this Title [R. S., 4501-4613], who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a Shipping Commissioner, shall be liable to a penalty of not more than five hundred dollars.

WHEN MASTER MAY ACT AS SHIPPING COMMISSIONER.

Nothing in this Title, however, shall prevent the owner, or consignee, or master of any vessel (except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific or vice versa, from performing, himself, so far as his vessel is concerned, the duties of Shipping Commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection district where no Shipping Commissioner shall have been appointed, he may perform for himself the duties of such Commissioner.

R. S. 4595.

PENALTY FOR DEMANDING OR RECEIVING SHIPPING FEE.

Every Shipping Commissioner, and every clerk or employe in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant vessel, shall, for every such offense, be liable to a

penalty of not more than two hundred dollars. (See also Act, Dec. 21, 1898, page 36.)

ACT, JUNE 19, 1886.

SHIPPING FEES ABOLISHED.

On and after July 1, 1886, no fees shall be charged or collected by Collectors or other officers of Customs, or by Shipping Commissioners for shipping or discharging of seamen, or apprenticing boys to the merchant service.

NOTES.

Section 4504 authorizes the master, owner, or consignee of a vessel about to make a voyage in the coastwise trade to be his own Shipping Commissioner, but third persons possess no such authority in any case.

The requirement of fees for the shipment and discharge of seamen, at the rate of \$2 for shipment in the foreign trade, \$1 for shipment in the coastwise trade, 50 cents for discharge in the foreign trade, 25 cents for discharge in the coastwise trade (25 cents payable by the seaman in each case), and \$5 for each apprentice indentured, was repealed by the Act of June 19, 1886.

No charge is made for any service rendered by a Shipping Commissioner.

ARBITRATION BEFORE SHIPPING COMMISSIONER.

R. S. 4554.

AGREEMENT TO ARBITRATE.

Every Shipping Commissioner shall hear and decide any question between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him.

ARBITRATION AWARD BINDING.

Every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of the parties. And any document under the hand and official seal of a Commissioner purporting to be such submission or award, shall be prima facie evidence thereof.

R. S. 4555.

PRODUCTION OF LOG-BOOK AND PAPERS.

In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any Shipping Commissioner, under the provisions of this Title [R. S., 4501-4613], such Shipping Commis-

sioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any Log-Books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter.

PENALTY FOR FAILURE TO TESTIFY.

Every owner, agent, master, mate, or other member of the crew who, when called upon by the Shipping Commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application by the Shipping Commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

ENGAGEMENT OF APPRENTICES.

R. S. 4509.

TERMS OF APPRENTICESHIP.

Every Shipping Commissioner appointed under this Title [R. S., 4501-4613] shall, if applied to for the purpose of apprenticing boys to the sea-service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships.

The Shipping Commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose.

Such apprenticeship shall terminate when the apprentice becomes eighteen years of age.

The Shipping Commissioner shall keep a register of all indentures of apprenticeships made before him.

R. S. 4510.

APPRENTICES MUST APPEAR BEFORE SHIPPING COMMISSIONER.

The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the Shipping Commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any.

The name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form, as near as may be, given in the table marked "A" in the schedule annexed to this Title [R. S., 4501-4613].

No such assignment shall be made without the approval of a Commissioner, of the apprentice, and of his parents or his guardian.

For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

DEFINITION OF TRADES.

The law governing the shipment and discharge of seamen embraces two general divisions, namely,

FOREIGN TRADE.

, AND

COASTWISE, OR DOMESTIC, TRADE.

R. S. 4511.

FOREIGN TRADE.

Foreign trade is defined as trade from a port in the United States to any foreign port (other than ports in the British North American possessions, West India Islands, and Mexico), or to the Philippines, and Guam (also Panama Canal Zone. See page 30), or from a port on the Atlantic to a port on the Pacific, or vice versa.

ACT, JUNE 19, 1886.

COASTWISE TRADE.

Coastwise trade is defined as trade between ports in the United States (except between ports on the Atlantic and ports on the Pacific,

or vice versa), or trade between a port of the United States and a port in the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, on the Atlantic or Pacific, respectively.

ACT, AUGUST 21, 1916.

PANAMA CANAL ZONE IN FOREIGN TRADE.

The laws relating to seamen of vessels of the United States on foreign voyages shall apply to seamen of all vessels of the United States at the Panama Canal Zone, whether such vessels be registered or enrolled and licensed, and the powers in respect of such seamen of such vessels bestowed by law upon consular officers of the United States in foreign ports and upon Shipping Commissioners in ports of the United States are hereby bestowed upon the Shipping Commissioner and Deputy Shipping Commissioners on the Panama Canal Zone.

NOTES.

All references in the following pages to the foreign and coastwise trades should be read with the foregoing definitions in mind.

Laws relating to the foreign trade include vessels in the trade between Atlantic and Pacific ports (including ports in the Island possessions on either ocean) of the United States, and also vessels in the trade between any port of the United States and any port in the Philippines, Guam, and the Panama Canal Zone.

Laws relating to the coastwise trade include vessels in the trade between ports of the United States or Island possessions on either ocean and ports in Canada, Newfoundland, West Indies, and Mexico. Ports in the latter countries are sometimes described as "foreign ports in the coastwise (or domestic) trade," or "ports in near-by foreign countries."

Ports on the Great Lakes, and in Alaska, and the Island possessions of the United States (except the Philippines and Guam) are included in the coastwise trade.

The Table of Sections, on pages 138-142, should always be consulted in order to determine the applicability of a given section or Act to a given vessel or trade.

SHIPMENT IN FOREIGN TRADE.

R. S. 4511.

WHAT ARTICLES MUST CONTAIN.

The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he pro-

ceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned.

Every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title [R. S., 4501-4613], and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

1. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

2. The number and description of the crew, specifying their respective employments.

3. The time at which each seaman is to be on board to begin work.

4. The capacity in which each seaman is to serve.

5. The amount of wages which each seaman is to receive.

6. A scale of provisions which are to be furnished each seaman.

7. Any regulations as to conduct on board and as to fines, short allowances of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of Commerce not contrary to or not otherwise provided for by law, which the parties agree to adopt.

8. Any stipulations in reference to allotment of wages, or other matters not contrary to law.

R. S. 4512.

ARTICLES MUST BE SIGNED IN PRESENCE OF SHIPPING COMMISSIONER.

Every agreement except such as are otherwise specially provided for shall be signed by each seaman in the presence of a Shipping Commissioner.

ACT, JUNE 26, 1884 (DINGLEY ACT).

PERIOD OF ENGAGEMENT.

A master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the

same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or re-engagement.

R. S. 4514.

PENALTY FOR SHIPMENT WITHOUT AGREEMENT.

If any person shall be carried to sea as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars.

VESSEL NOT LIABLE FOR STOWAWAYS.

The vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

R. S. 4515.

VESSEL LIABLE FOR ILLEGAL SHIPMENT.

If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title [R. S., 4501-4613], the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

FORM OF SHIPPING ARTICLES.

R. S. 4612.

UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name of shipping office.)

It is agreed between the master and seamen or mariners of the _____, of which _____ is at present master, or whoever shall go for master, now bound from the port of _____, _____, to _____, _____, (here the voyage is to be described, and the places named at which the vessel is to touch, or if that can not be done,

the general nature and probable length of the voyage is to be stated).

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the foregoing scale. And it is hereby agreed that any embezzlement or willful or negligent destruction of any part of the vessel's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require.

And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by....., master, on the.....day of.....,
nineteen hundred and.....

NOTES.

Stipulations inserted in the Articles should be carefully read to the seamen.

Stipulations contrary to law, or stipulations by which the seaman agrees to forego any of his rights under the law, are void.

Stipulations which provide for a forfeiture of wages in excess of that provided by law (R. S. 4596, page 87) for the same offense are contrary to law, and therefore void.

The actual rate of wages and other particulars agreed upon must be inserted in the Articles. All entries of a nominal character are void.

The penalty for shipment without agreement, provided in Section 4514, applies only in the foreign trade. For penalty for illegal shipment in the coastwise trade see R. S. 4521, page 43.

All shipments in the foreign trade, whether transacted before or after clearing, must be made in the presence of a Shipping Commissioner and before the vessel leaves port.

Shipping Articles and all other forms used in the shipment and discharge of seamen are provided free by the Shipping Commissioner before whom the transaction takes place.

SCALE OF PROVISIONS.

ACT, DEC. 21, 1898 (WHITE ACT).

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 10).

To be allowed and served out to the Crew during the voyage in addition to the daily issue of lime and lemon juice and sugar, or other antiscorbutics in any case required by law.

	Sunday.....	Monday.....	Tuesday.....	Wednesday.....	Thursday.....	Friday.....	Saturday.....
Water	5	5	5	5	5	5	5
Biscuit	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$
Beef, salt			$1\frac{1}{4}$		$1\frac{1}{4}$		$1\frac{1}{4}$
Pork, salt		1		1		1	
Flour	$\frac{1}{2}$		$\frac{1}{2}$		$\frac{1}{2}$		
Canned meat	1			1			
Fresh bread	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$
Fish, dry, preserved, or fresh.....						1	
Potatoes or yams.....	1	1	1	1	1	1	1
Canned tomatoes	$\frac{1}{2}$					$\frac{1}{2}$	
Peas			$\frac{1}{8}$			$\frac{1}{8}$	
Beans		$\frac{1}{8}$		$\frac{1}{8}$			
Rice		$\frac{1}{8}$					$\frac{1}{8}$
Coffee (green berry).....	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$
Tea	$\frac{1}{8}$	$\frac{1}{4}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$
Sugar	3	3	3	3	3	3	3
Molasses	$\frac{1}{2}$		$\frac{1}{2}$		$\frac{1}{2}$		
Dried fruit	3		3		3		
Pickles		$\frac{1}{4}$		$\frac{1}{4}$		$\frac{1}{4}$	
Vinegar			$\frac{1}{2}$				$\frac{1}{2}$
Cornmeal	4				4		
Onions	4				4		4
Lard	1	1	1	1	1	1	1
Butter	2	2	2	2	2	2	2
Mustard, pepper, and salt sufficient for seasoning.							

SUBSTITUTES.

One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, or two ounces of tapioca, for six ounces of rice; six ounces of canned vegetables for one-half pound of canned tomatoes; one-eighth of an ounce of tea for three-fourths of an ounce of coffee; three-fourths of an ounce of coffee for one-eighth of an ounce of tea; six ounces of canned fruit for three ounces of dried fruit; one-half ounce of lime juice for the daily ration of vinegar; four ounces of oatmeal or cracked wheat for one-half pint of cornmeal; two ounces of pickled onions for four ounces of fresh onions.

When the vessel is in port and it is possible to obtain the same, one and one-half pounds of fresh meat shall be substituted for the daily rations of salt and canned meat; one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vegetables shall be served while in port, if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions.

The foregoing scale of provisions shall be inserted in every article of agreement and shall not be reduced by any contract, except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the forecabin of each vessel. (This section is not applicable to fishing or whaling vessels or yachts.)

R. S. 4568.

COMPENSATION FOR SHORTAGE.

If the allowance of any of the provisions which any seaman is entitled to under section 4612 (see page 32) is reduced except while such seaman refuses duty or is under confinement for misconduct, or if any of such provisions are, or have been during the voyage, bad in quality or unfit for use, the seaman shall receive the following sums, to be paid to him in addition to and to be recoverable as wages:

1. If his allowance is reduced not exceeding one-third of the quantity specified by law, a sum not exceeding 50 cents a day.
2. If his allowance is reduced by more than one-third, a sum not exceeding \$1 a day.
3. In respect to bad quality, a sum not exceeding \$1 a day. (See also R. S. 4564, page 78.)

COMPENSATION MAY BE MODIFIED.

If it is shown to the satisfaction of the court that any provisions, the allowance of which has been reduced, could not be procured in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article becomes unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation as the justice of the case may require. (This section is not applicable to fishing or whaling vessels or yachts.)

WEIGHTS AND MEASURES.

R. S. 4571.

PROVISIONS TO BE WEIGHED.

Every master shall keep on board proper weights and measures, for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

FORECASTLE CARD.

R. S. 4519.

The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

ADVANCE AND ALLOTMENT.

ACT, DEC. 21, 1898 (WHITE ACT).

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 11).*

ADVANCE PROHIBITED.

(a.) It shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages.

Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court.

The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages.

PENALTY FOR DEMANDING OR RECEIVING SHIPPING FEE.

If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six

*See Appendix, page 1.

months or fined not more than five hundred dollars. (See also R. S. 4595, page 26.)

ALLOTMENT TO RELATIVE IN ALL TRADES.

(b.) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

ALLOTMENT TO BE APPROVED BY SHIPPING COMMISSIONER.

(c.) No allotment shall be valid unless in writing and signed by and approved by the Shipping Commissioner. It shall be the duty of the said Commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

PENALTY FOR FALSE CLAIM.

(d.) No allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, at the discretion of the court.

APPLICABLE TO FOREIGN VESSELS.

(e) This section shall apply as well to foreign vessels while in waters of the United States, as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

NO CLEARANCE IN CASE OF VIOLATION.

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his Shipping Articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

Under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section. (This

section shall not apply to fishing or whaling vessels or yachts, but this section shall apply to all vessels engaged in the taking of oysters.)

NOTES.

The payment of wages in advance—that is, before they are earned—either to the seaman himself or to anyone on his behalf, is prohibited. Such payment, if made, is invalid, and can not be deducted from the seaman's wages at the time of his discharge.

Allotment Notes must not be cashed until after the expiration of the period for which they are issued and upon proof that the seaman has sailed in the vessel.

Seamen engaged in any trade may allot any portion of their wages to a relative, namely, wife, parent, grandparent, sister, or child. Allotment to original creditor is abolished by Act, March 4, 1915 (Seamen's Act).

Shipment for less than the regular rate of wages for a specified period, or any other form of agreement to evade the law, is illegal. Collectors of Customs are instructed to withhold clearance from any vessel the crew of which have been engaged in such manner.

The law relating to Advance and Allotment is applicable to foreign vessels in American ports, but not to American vessels in foreign ports. In the latter case the law of the port at which the seaman is engaged governs the matter.

WATCH-AND-WATCH—HOLIDAYS—WORKDAY.

ACT, MARCH 4, 1915 (SEAMEN'S ACT, SEC. 2).*

WATCH-AND-WATCH AT SEA.

In all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, bays, or sounds exclusively, the sailors shall, while at sea, be divided into at least two, and the firemen, oilers, and water tenders into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel.

The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, and other drills.

*See Appendix, page 1.

SUNDAYS AND HOLIDAYS IN PORT.

While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage.

WORKDAY IN PORT.

And at all times while such vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work.

Whenever the master of any vessel shall fail to comply with this section, the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, or yachts.

CREW LIST.

R. S. 4573.

CREW LIST TO BE DELIVERED TO COLLECTOR OF CUSTOMS.

Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale fishing, the master thereof shall deliver to the Collector of Customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the Collector shall deliver him a certified copy thereof.

R. S. 4574.

NO PERSON SHALL BE EMPLOYED UNLESS ENTERED ON CREW LIST.

In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the Collector for the district from which the vessel shall clear, and, if approved by him, shall be certified accordingly.

No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the Collector for the district from which the vessel shall clear.

The Collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under the provisions of this Title [R. S. 4501-4613].

R. S. 4575.

PAPERS RELATING TO CREW.

The following rules shall be observed with reference to vessels bound on any foreign voyage:

1. The duplicate list of the ship's company, required to be made out by the master and delivered to the Collector of Customs, under Section 4573, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

2. It shall be the duty of the owners of every such vessel to obtain from the Collector of Customs of the district from which clearance is made, a true and certified copy of the Shipping Articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

3. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any Consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

4. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

PENALTY FOR FAILURE TO SECURE PAPERS.

5. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside

or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

6. It shall be the duty of the boarding-officer to report all violations of this section to the Collector of the Port where any vessel may arrive, and the Collector shall report the same to the Secretary of Commerce and to the United States Attorney in his district.

R. S. 4576.

PENALTY FOR FAILURE TO PRODUCE CREW.

The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the Collector; and it shall be the duty of the Collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the Collector of the port from which such vessel originally sailed.

For each failure to produce any person on the certified copy of the list of the crew, the master and owner shall be severally liable to a penalty of four hundred dollars, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties.

Such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent there residing, certified in writing* (see R. S. 4580-81-82-83, pages 59-61), under his hand and official seal, to be produced to the Collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the Collector.

SHIPMENT IN COASTWISE TRADE.

ACT, JUNE 19, 1886.

SHIPPING COMMISSIONER MAY SIGN CREW.

Shipping Commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel.

ACT, FEB. 18, 1895 (MAGUIRE ACT).

AGREEMENT IN PRESENCE OF SHIPPING COMMISSIONER.

When a crew is shipped by a Shipping Commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, an agreement shall be made with each seaman engaged as one of such crew in the same manner as is provided by Sections 4511 and 4512 of the Revised Statutes (see pages 30, 31), not, however, including the 6th and 8th items of Section 4511.*

FORECASTLE CARD.

Such agreement shall be posted as provided in Section 4519. (See page 36.)

R. S. 4520.

AGREEMENT IN PRESENCE OF MASTER.

Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

NOTES.

*The 6th item of Section 4511 (Scale of Provisions) is made applicable to all vessels by the Act of December 21, 1898 (White Act), and the 8th item (Advance and Allotment) is made applicable to all vessels by the Act of March 4, 1915 (Seamen's Act), thus in effect making both items applicable under the provisions of the Maguire Act.

For sections of the Revised Statutes applicable in the coastwise trade see Table of Sections, "Coastwise (Maguire Act)," page 140.

R. S. 4521.

WAGES WHEN SHIPPED WITHOUT AGREEMENT.

If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seaman, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States.

SEAMEN NOT BOUND WHEN NOT LEGALLY SHIPPED.

Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title [R. S. 4501-4613].

R. S. 4522.

PENALTY FOR FAILURE TO JOIN VESSEL.

At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the Log-Book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterward desert, he shall for-

feit all of his wages or emoluments which he has then earned. (This section shall not apply to fishing or whaling vessels or yachts.)

NOTES.

The words, "any vessel engaged in the coastwise trade," include vessels engaged in the carrying trade on navigable rivers, and are not limited to vessels engaged in the carrying trade along the seacoast. The provisions of Section 4520 apply to vessels navigating rivers and lakes.

All shipments in the coastwise trade (except in trade between ports in the same or adjoining States) must be made by agreement in writing or in print. Such shipments may be made in the presence of a Shipping Commissioner or by the master himself, at the option of the parties.

In all cases the agreement must be signed before the vessel leaves port. If not so signed, the agreement is void.

When shipment is made in the presence of a Shipping Commissioner, discharge must also be made in the presence of that official. If discharge be made at a port where there is no Shipping Commissioner or Collector of Customs, the master may perform for himself the duties of Shipping Commissioner.

No agreement in writing or in print is required in trade between ports in the same or adjoining States. In all other respects seamen in such trade are governed by the laws applicable in the coastwise trade. (See Table of Sections, under "Coastwise," page 140.)

SHANGHAIING PROHIBITED.

ACT, MARCH 4, 1909.

Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in anywise enter into any agreement to go on board of any vessel to perform service or labor thereon; or whoever shall knowingly detain on board of any vessel any person so procured or induced to go on board thereof, or to enter into any agreement to go on board thereof, by any means herein defined; or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

SHIPMENTS CONTRARY TO LAW ARE VOID.

R. S. 4523.

All shipments of seamen made contrary to the provisions of any Act of Congress are void.

Any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

NOTE.

While a seaman engaged contrary to law may leave the vessel at any time and demand the wages earned by him, the master can not discharge him at will. If the seaman is willing to complete the voyage he must be permitted to do so. If discharged against his will, he is entitled to wages for the whole voyage.

SHIPMENT IN PLACE OF DESERTER.

R. S. 4516.

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 1).

In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States Consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections (See p. 32). This section shall not apply to fishing or whaling vessels or yachts.

DISCHARGE IN FOREIGN TRADE.

R. S. 4549.

DISCHARGE BEFORE SHIPPING COMMISSIONER.

All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized Shipping Commissioner under this Title [R. S. 4501-4613], except in cases where some competent court otherwise directs. (See R. S. 4529, page 47.)

PENALTY FOR DISCHARGE WITHOUT GOING BEFORE SHIPPING COMMISSIONER.

Any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars.

DISCHARGE IN COASTWISE TRADE.

All seamen employed in the coastwise trade, whether engaged in the presence of a Shipping Commissioner or not, are entitled to be discharged in accordance with the provisions of R. S. 4529. (See page 47.)

NOTES.

By the provisions of the Act of Feb. 18, 1895 (Maguire Act), certain sections of the law applicable in the foreign trade are made applicable in the coastwise trade (in addition to the General sections applicable to all trades) when the agreement is made in the presence of a Shipping Commissioner. These sections are noted in the Table of Sections, under "General" and "Coastwise (Maguire Act)," pages 138 and 140.

The sections of the law applicable to the coastwise trade when the agreement is not made in the presence of a Shipping Commissioner, are noted in the Table of Sections, under "General" and "Coastwise," pages 138 and 140.

CERTIFICATE OF DISCHARGE.

R. S. 4551.

MASTER SHALL GIVE CERTIFICATE OF DISCHARGE.

Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a Certificate of Discharge, specifying the period of his service and the time and place of his discharge.

PENALTY FOR FAILURE TO GIVE CERTIFICATE OF DISCHARGE.

Every master who fails to sign and give to such seaman such Certificate of Discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars.

MASTER MAY ACT AS COMMISSIONER.

Whenever the master shall discharge his crew or any part thereof in any collection district where no Shipping Commissioner has been appointed, he may perform himself the duties of such Commissioner.

R. S. 4553.

REPORT OF CONDUCT, CHARACTER, ETC.

Upon every discharge effected before a Shipping Commissioner, the master shall make and sign a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the Commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his Certificate of Discharge a copy of so much of such report as concerns him.

RULES FOR PAYMENT OF WAGES.*

R. S. 4529.

Amended by Act of March 4, 1915 (Seamen's Act, Sec. 3).**

COASTWISE TRADE.

The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens;—

*For rules governing computation of wages and Table of Wages see pages 135-137.

**See Appendix, page 2.

FOREIGN TRADE.

And in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens.

ONE-THIRD OF WAGES PAYABLE AT TIME OF DISCHARGE.

In all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him.

PENALTY FOR FAILURE TO PAY WAGES WITHIN SPECIFIED TIME.

Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage.

(This section shall not apply to fishing or whaling vessels or yachts, but this section shall apply to all vessels engaged in the taking of oysters.)

R. S. 4550.

ACCOUNT OF WAGES.

Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a Shipping Commissioner, to such Shipping Commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall be liable to a penalty of not more than fifty dollars.

DEDUCTIONS FROM WAGES.

No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed unless it is included in the account delivered.

The master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the Official Log-Book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority,

of any complaint or question relating to such payment. (See Notes, page 90.)

NOTES.

Seamen are entitled to wages for both the day on which they were shipped [joined the vessel] and the day on which they were discharged, without regard to the hour of beginning or ceasing work except when it is stipulated that work shall begin at noon or other period of the day.

Seamen are entitled to payment for overtime at the rate prevailing in the port, when required to work beyond the period of the legal or customary workday, provided such work be not necessary for the safety of the vessel, passengers, or cargo. This rule applies also to work performed on Sundays and holidays in port.

It is no excuse for a delay in paying wages that an attachment has been served upon the master, for under the Act of March 4, 1915 (see page 55), wages due a seaman can not be attached, except in certain cases, and payment of wages to a seaman notwithstanding is valid.

MUTUAL RELEASE.

R. S. 4552.

The following rules shall be observed with respect to the settlement of wages:

1. Upon the completion, before a Shipping Commissioner, of any discharge and settlement, the master or owner and each seaman respectively, in the presence of the Shipping Commissioner, shall sign a Mutual Release of all claims for wages in respect of the past voyage or engagement, and the Shipping Commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seaman assent to such settlement, or the settlement has been adjusted by the Shipping Commissioner.

2. Such Release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

3. A copy of such Release, certified under the hand and seal of such Shipping Commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

4. In cases in which discharge and settlement before a Shipping Commissioner are required, no payment, receipt, settlement, or dis-

charge otherwise made shall operate as evidence of the release or satisfaction of any claim.

5. Upon payment being made by a master before a Shipping Commissioner, the Shipping Commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned. (See R. S. 4530, page 51.)

FORM OF MUTUAL RELEASE.

We, the undersigned, seamen on board the.....
on her late voyage from.....to.....,
do hereby, each one for himself, by our signatures herewith given,
in consideration of settlements made before the Shipping Commissioner at this port, release the master and owners of said vessel from all claims for wages in respect of the said past voyage or engagement, and I, master of said vessel, do also release each of the seamen signing said release from all claims, in consideration of this release signed by them.

Dated.....191.....

.....
Master.

Attest as to said master and the.....
seamen whose signatures appear below.

.....
Shipping Commissioner.

WHEN WAGES COMMENCE.

R. S. 4524.

A seaman's right to wages and provisions shall be taken to commence either at the time he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

WAGES NOT DEPENDENT ON FREIGHT.

R. S. 4525.

No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned.

But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

MONEY IN PORT.

R. S. 4530.

Amended by Act of March 4, 1915 (Seamen's Act, Sec. 4).*

Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended and all stipulations in the contract to the contrary shall be void.

DEMAND NOT OFTENER THAN ONCE IN FIVE DAYS.

Provided, such a demand shall not be made before the expiration of, nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned.

When the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in Section 4529 of the Revised Statutes. (See page 47.)

Provided further, that notwithstanding any release signed by

*See Appendix, page 2.

any seaman under Section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require. (See R. S. 4552, page 49.)

And provided further, that this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement. (This section shall not apply to fishing or whaling vessels or yachts.)

DISCHARGE BEFORE COMMENCEMENT OF VOYAGE.

R. S. 4527.

PAYMENT OF ONE MONTH'S EXTRA WAGES.

Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

NOTE.

Seamen are not entitled to one month's extra wages when engaged in the coastwise trade, unless engaged in the presence of a Shipping Commissioner, nor when the voyage is ended by the vessel's return to port in distress.

Seamen discharged **upon termination of the period of engagement** at a port or place other than that named in the Shipping Articles as the port or place of final discharge, are entitled to wages to date of discharge and transportation to the port or place named in the Articles. If discharged **before the termination of the period of engagement**, wages are payable to date of arrival at the port or place of final discharge.

Transportation may be provided either by free passage or by employment on another vessel, in the same capacity and at the same rate of wages as under the original Articles. In the latter case the right to wages under the original Articles ends at the time of re-employment.

NO WAGES DURING IMPRISONMENT.

R. S. 4528.

No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

WAGES PAYABLE IN GOLD OR EQUIVALENT.

R. S. 4548.

Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

QUESTION CONCERNING FORFEITURE.

R. S. 4603.

Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

DEDUCTION TO DEFRAY COST OF TRIAL.

R. S. 4605.

Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman not exceeding \$15, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

SALVAGE AND WAGE CLAIMS.

R. S. 4535.

SEAMEN CANNOT SIGN AWAY CLAIM.

No seaman shall, by any agreement other than is provided by law, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of law, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

ACT, AUGUST 1, 1912.

SALVAGE CLAIM NOT AFFECTED BY JOINT OWNERSHIP OF VESSELS.

The right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost, and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding one thousand dollars or imprisonment for a term not exceeding two years, or both.

Salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

Suits for recovery of remuneration for salvage service must be brought within two years, unless the court shall be satisfied that during such period there had not been reasonable opportunity of bringing suit.

This law does not apply to ships of war or to Government ships appropriated exclusively to a public service.

NOTE.

Seamen of a vessel which saves another are rendered incapable by Section 4535 of releasing their claim to participate in any salvage that may accrue from the enterprise.

ATTACHMENT OF WAGES.

ACT, MARCH 4, 1915 (SEAMEN'S ACT, SEC. 12).*

No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof, shall bind the party making the same, except such allotments as are authorized by this Title. This section shall apply to fishermen employed on fishing vessels as well as to seamen.

ATTACHMENT IN SUPPORT OF WIFE AND CHILDREN.

Nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children.

NOTES.

R. S. 4536 repealed by Act, March 4, 1915 (Seamen's Act, Sec. 12).

The wages of seamen engaged in all trades are exempt from attachment to the extent of \$300, in ports in the State of California, under the law (Sec. 690, Code of Civil Procedure), which reads: "The wages and

*See Appendix, page 3.

PROCESS FOR RECOVERY OF WAGES.

R. S. 4546.

PROCESS AT END OF TEN DAYS.

Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of law, or any dispute arises between the master and seaman touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any commissioner of a district court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

[S. 4547.]

R. S. 4547.

IMMEDIATE TRIAL OF CASE.

If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the vessel.

In all cases where the matter in demand does not exceed one hundred dollars the return day of the monition or citation shall be the first day of a stated or special session of court next succeeding the third day after the service of the monition or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases.

earnings of all seamen, sea-going fishermen, and sealers, not exceeding \$300, regardless of where or when earned, and in addition to all other exemptions otherwise provided by any law . . . shall be exempt from execution or attachment."

Exemption from attachment applies both before and after wages are received by the seaman.

ALL SEAMEN MAY BE JOINED AS COMPLAINANTS.

In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and Log-Book, if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the burden of proof of the contrary shall be on the master.

SEAMEN MAY SUE AT COMMON LAW.

But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the day when such wages are due in accordance with section 4529 of the Revised Statutes. (See page 47.) (This section is not applicable to fishing or whaling vessels or yachts, but this section is applicable to all vessels engaged in the taking of oysters.)

R. S. 4251.

CANAL-BOATS NOT SUBJECT TO LIBEL.

No canal-boat, without masts or steam power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same.

CHARTERER'S LIABILITY.

R. S. 4286.

VESSEL LIABLE FOR WAGES.

The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Title [R. S., 4131-4305] relating to the limitation of the liability of the owners of vessels; and such vessel, when so char-

tered, shall be liable in the same manner as if navigated by the owner thereof.

SHIPOWNER'S LIABILITY.

ACT, JUNE 26, 1884 (DINGLEY ACT).

SHIPOWNER LIABLE FOR WAGES.

The individual liability of a shipowner, shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessel and freight pending: *Provided*, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners.

SHIPMENT IN FOREIGN PORT.

R. S. 4517.

SHIPMENT BEFORE CONSUL.

Every master of a merchant vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence.

The rules governing the engagement of seamen before a Shipping Commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent. (See "Shipment in Foreign Trade," page 30.)

Upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

R. S. 4518.

PENALTY FOR FAILURE TO SHIP BEFORE CONSUL.

Every master who engages any seaman in any place in which there is a consular officer or commercial agent otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

ACT, MARCH 3, 1897.

SHIPMENT ABROAD FOR ROUND TRIP.

Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States in the manner provided by law, to serve for one or more round trips, or for a definite time, whatever the destination.

The master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided, shall not be required to reship in a port of the United States the seamen so engaged.

DISCHARGE IN FOREIGN PORT.

R. S. 4580.

DISCHARGE UPON APPLICATION OF MASTER OR SEAMAN.

Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that the seaman has completed his shipping agreement, or is entitled to his discharge under any Act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman and require from the master payment of the wages which may then be due said seaman; but no payment of extra wages shall be required, except as provided in this Act.

R. S. 4581.

Amended by Act of March 4, 1915 (Seamen's Act, Sec. 19).*

CONSUL ACCOUNTABLE FOR WAGES.

If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full payment thereof.

DISCHARGE OF SEAMAN WITHOUT HIS CONSENT.

The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel.

DISCHARGE BY VOLUNTARY CONSENT.

If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period.

DISCHARGE ON ACCOUNT OF ILLNESS OR INJURY.

If the seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and return of destitute American seamen. (See R. S. 4577, page 69.)

DISCHARGE WITHOUT PRESENCE OF MASTER.

At the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph.

*See Appendix, page 3.

R. S. 4582.

DISCHARGE ON ACCOUNT OF SALE OF VESSEL.

Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's company, and also the Shipping Articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such a sum of money as is by the officer deemed sufficient to defray the expenses of his maintenance and passage home.

The consular officer shall indorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision or deposit made under this section. A failure to comply with the provisions of this section shall render the owner liable to a fine of not exceeding fifty dollars.

R. S. 4583.

DISCHARGE ON ACCOUNT OF UNSEAWORTHINESS, ILL-TREATMENT, ETC.

Whenever on the discharge of a seaman in a foreign port by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman.

R. S. 1719.

NO CONSULAR CHARGES PERMITTED.

No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or

disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate or commercial agency.

Nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner.

Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

R. S. 4079.

JURISDICTION OF CONSULS OVER SEAMEN.

Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul-general, consuls, vice-consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared [R. S. 4080, 4081, 728. See Termination of Treaty Provisions, page 106.]

But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation.

R. S. 1433.

NAVAL OFFICER MAY ACT AS CONSUL.

The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port when there is no resident consul of the United States, shall be authorized to exer-

cise all the powers of a consul in relation to mariners of the United States.

NOTES.

Seamen may be discharged in foreign ports, at the request of the master, for neglect of duty or incompetency. Seamen so discharged are entitled to the wages which may then be due.

Consular officers are required to inquire into the facts in such cases and to require evidence that the seaman complained of is incorrigible or is for any reason an unfit person to have on board.

The causes for which a seaman may be discharged are ordinarily such as amount to a disqualification, and show him to be an unsafe or an unfit man to have on board the vessel.

If a seaman is discharged without justifiable cause, and without his consent, he is entitled to wages for the whole voyage and the expense of his return to the United States. The intermediate earnings of the seaman may be deducted from the expense of his return, but not from the wages due at the time of discharge.

Seamen discharged with their own consent by consuls in foreign ports on account of injury or illness, not incurred by their own gross negligence, are entitled to wages up to the time of their discharge, and maintenance and transportation to the United States at the expense of the United States. (See R. S. 4577, page 69.)

Consuls may decline to discharge seamen on account of injury or illness, or seamen may decline to accept discharge on such account. In either case, if a seaman be left in a foreign port, he is entitled to maintenance, cure, and wages for the whole voyage, and to transportation to the United States, at the expense of the vessel and her owners.

Seamen left ashore in any port (foreign or coastwise), on account of injury or illness, and not discharged from the vessel, are entitled to maintenance and care and wages at least so long as the voyage is continued, at the expense of the vessel and her owners. (See the "Osceola" Case, page 123.)

WHEN EXTRA WAGES ARE PAYABLE.

DISCHARGE ON ACCOUNT OF ILL-TREATMENT, UNSEAWORTHINESS, ETC.

Seamen who are discharged by a consul in a foreign port on account of the voyage being continued contrary to agreement, unseaworthiness of the vessel, or bad provisions, or on account of unusual or cruel treatment, or who desert on account of such treatment and are afterward discharged by a consul, are entitled to receive one month's extra wages and transportation to the United States. (See R. S., 4583, page 61.)

DISCHARGE AT INSTANCE OF MASTER.

Seamen who are discharged in a foreign port at the request of the master, and not on account of neglect of duty, incompetency, or injury incurred on the vessel, are entitled to employment on a vessel agreed to by the seaman or to receive one month's extra wages. (See R. S., 4581, page 60.)

DISCHARGE BEFORE COMMENCEMENT OF VOYAGE.

Seamen discharged before the commencement of the voyage or before one month's wages are earned, without fault on their part justifying such discharge, and without their own consent, are entitled to receive one month's wages in addition to the wages which they may have earned. This section is applicable to all seamen in the foreign trade, and to seamen in the coastwise trade when engaged in the presence of a Shipping Commissioner. (See R. S., 4527, page 52.)

DELAY IN PAYMENT OF WAGES.

Seamen are entitled to two days' extra wages for each day's delay in payment of wages at the end of the voyage. (See R. S., 4529, page 47.)

DECEASED SEAMEN'S EFFECTS.

R. S. 4538.

ENTRIES IN LOG-BOOK.

Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official Log-Book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

1. A statement of the amount of money so left by the deceased.
2. In case of a sale, a description of each article sold, and the sum received for each.
3. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

R. S. 4539.

DELIVERY OF WAGES AND EFFECTS.

In cases embraced by the preceding section, the following rules shall be observed:

1. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he

has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the Shipping Commissioner at the port of destination in the United States.

2. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the Shipping Commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

3. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the Shipping Commissioner there.

4. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or Shipping Commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official Log-Book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or Shipping Commissioner to whom the account is rendered.

5. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the Shipping Commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

R. S. 4540.

PENALTY FOR FAILURE TO DELIVER WAGES AND EFFECTS.

Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to

give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the district court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

R. S. 4541.

CONSUL MUST CLAIM EFFECTS.

Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title [R. S., 4501-4613], and shall quarterly remit to the district court for the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render accounts thereof as the district court requires.

R. S. 4542.

WAGES AND EFFECTS MUST BE DELIVERED TO SHIPPING COMMISSIONER.

Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the Shipping Commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged, or where he died.

R. S. 4543.

SHIPPING COMMISSIONER MUST RENDER ACCOUNT.

Every Shipping Commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the district court of the district in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the district court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the district court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

R. S. 4544.

COURT MAY PAY AND DELIVER EFFECTS.

If the money and effects of any seaman or apprentice paid, remitted, or delivered to the district court, including the moneys received for any part of his effects which have been sold, either before delivery to the district court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

R. S. 4545.

UNCLAIMED WAGES TO BE TURNED INTO U. S. TREASURY.

A district court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or

apprentice, which it has received or may hereafter receive, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a district court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

DESERTING SEAMEN'S EFFECTS.

R. S. 4604.

FORFEITURE OF WAGES AND EFFECTS.

All clothes, effects, and wages which, under the provisions of this Title [R. S., 4501-4613], are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any Shipping Commissioner resident at the port at which the voyage of such vessel terminates.

The Shipping Commissioner shall account for and pay over such balance to the judge of the district court within one month after the Commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen.

Whenever any master or owner neglects or refuses to pay over to the Commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the Commissioner in the same manner that seamen's wages are recovered.

In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

NOTE.

The forfeited and unclaimed effects of deserting and deceased seamen are sold at auction by the Shipping Commissioner, and the proceeds delivered to the United States District Court.

SHIPWRECKED SEAMEN.

R. S. 4526.

WAGES CEASE AT TIME OF WRECK.

In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

TRANSPORTATION TO PORT OF SHIPMENT.

Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in Sections 4577, 4578 and 4579 of the Revised Statutes of the United States. (See below.) (This section shall not apply to fishing or whaling vessels or yachts.)

DESTITUTE, SICK, AND SHIPWRECKED SEAMEN.

R. S. 4577.

DUTY OF CONSUL TO PROVIDE SUBSISTENCE AND PASSAGE.

It shall be the duty of the consuls, vice-consuls, commercial agents and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give.

SEAMEN BOUND TO DO DUTY.

The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities.

NOTE.

By Act of Congress, July 1, 1916, the sum of \$40,000 was appropriated for the relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone and the Philippine Islands. A similar appropriation is made each year.

R. S. 4578.

COMPENSATION FOR TRANSPORTING DESTITUTE SEAMEN.

All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person for voyages of not more than thirty days, and not exceeding twenty dollars for each person for longer voyages, as may be agreed between the master and the consular officer, when the transportation is by a sailing vessel; and the regular steerage passenger rate not to exceed two cents per mile when the transportation is by steamer; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection.

DESTITUTE SEAMEN UNABLE TO PERFORM DUTY.

If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the Comptroller of the Treasury shall deem proper.

PENALTY FOR REFUSAL TO TRANSPORT DESTITUTE SEAMEN.

Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty.

No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage, or to take any seaman having a contagious disease.

R. S. 4579.

EXTRA COMPENSATION IN CERTAIN CASES.

Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the Comptroller of the Treasury.

FORECASTLES.

ACT, MARCH 2, 1895.

SPACE REQUIRED ON VESSELS BUILT AFTER JUNE 30, 1895.

Every place appropriated to the crew of the vessel shall have a space of not less than seventy-two cubic feet and not less than twelve superficial feet, measured on the deck or floor of that place, for each seaman or apprentice lodged therein.

The provisions of this Act requiring a crew space of seventy-two cubic feet per man shall apply only to vessels the construction of which shall be begun after June 30, 1895.

Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvium of cargo or bilge water.

PENALTY FOR VIOLATION.

Failure to comply with this provision shall subject the owner to a penalty of five hundred dollars.

SPACE SHALL BE KEPT FREE FROM GOODS.

Every place so occupied shall be kept free from goods or stores of any kind not being the personal property of the crew in use during the voyage; and if any such place is not so kept free the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of fifty cents a day for each day during which any goods or stores as aforesaid are kept or stored in the place after complaint has been made to him by any two or more of the seamen so lodged.

No deduction from tonnage as aforesaid shall be made unless there is permanently cut in a beam over the doorway of every such place the number of men it is allowed to accommodate with these words, "certified to accommodate — seamen."

FISHING VESSELS, YACHTS AND PILOT BOATS EXEMPTED.

Fishing vessels, yachts, and pilot boats are exempted from the provisions of this section.

ACT, MARCH 3, 1897.

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 6).

SPACE REQUIRED ON VESSELS BUILT AFTER MARCH 4, 1915.

On all merchant vessels of the United States the construction of which shall be begun after the passage of this Act, except yachts, pilot boats, or vessels of less than one hundred tons register, every place appropriated to the crew of the vessel shall have a space of not less than one hundred and twenty cubic feet and not less than sixteen square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth and not more than one berth shall be placed one above another.

Such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

COMPARTMENT FOR HOSPITAL PURPOSES.

In addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of twelve or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every twelve seamen, constituting her crew, provided that not more than six bunks shall be required in any case.

CREW QUARTERS ON MISSISSIPPI RIVER STEAMBOATS.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine-room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector-General of Steam Vessels, and shall be properly heated.

WASHING PLACES.

All merchant vessels of the United States, the construction of which shall be begun after the passage of this Act having more than ten men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every two men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed ten, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of wash basins, sinks, and shower baths.

PENALTY FOR VIOLATION.

Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than fifty dollars nor more than five hundred dollars.

FORECASTLE SHALL BE FUMIGATED—EMERGENCY EXIT.

Forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies.

WARM ROOM AND WOOLEN CLOTHING.

R. S. 4572.

WOOLEN CLOTHING.

Every vessel bound on any foreign voyage exceeding in length fourteen days shall also [in addition to a slop-chest] be provided with at least one suit of woollen clothing for each seaman.

WARM ROOM.

Every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather.

PENALTY FOR FAILURE.

Failure to make such provision shall subject the owner or master to a penalty of not less than one hundred dollars. (This section shall not apply to fishing or whaling vessels or yachts.)

UNSEAWORTHY VESSEL.

ACT, DEC. 21, 1898 (WHITE ACT).

PENALTY FOR SENDING UNSEAWORTHY VESSEL TO SEA.

If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness. (This section shall not apply to fishing or whaling vessels or yachts.)

SURVEY OF VESSEL.

R. S. 4556.

INSPECTION IN DOMESTIC PORT.

If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place for the appointment of surveyors, as in section forty-five hundred and fifty seven provided, taking with him two or more of the crew who shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of five hundred dollars. (This section shall not apply to fishing or whaling vessels or yachts.)

R. S. 4557.

APPOINTMENT OF INSPECTORS.

The judge, or justice, in a domestic port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Public Health and Marine Hospital Service, if such service is established at the place where the complaint is made.

REPORT OF INSPECTORS.

It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and make reports to the judge, or justice, as the case may be, in writing, under their hands or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things, conform to the judgment.

COST OF SURVEY.

The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen. (This section shall not apply to fishing or whaling vessels or yachts.)

R. S. 4558.

REFUSAL TO PROCEED TO SEA AFTER SURVEY.

If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him. (This section shall not apply to fishing or whaling vessels or yachts.)

R. S. 4559.

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 5).

INSPECTION IN FOREIGN PORT.

Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient or wholesome; thereupon, in any of these or like cases, the consul, or a commercial agent who may discharge any of the duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in Section 4557, who shall proceed to examine into the cause of complaint, and who shall proceed and be governed in all their proceedings and proceed as provided in Section 4557. (This section shall not apply to fishing or whaling vessels or yachts.)

R. S. 4560.

REPORT OF INSPECTORS.

The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

R. S. 4561.

DISCHARGE AND EXTRA WAGES.

The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. (This section shall not apply to fishing or whaling vessels or yachts.)

R. S. 4562.

COST OF SURVEY.

The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

R. S. 4563.

PENALTY FOR REFUSAL TO PAY WAGES AND CHARGES.

Every master who refuses to pay such wages and charges shall be liable to each person injured thereby, in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

R. S. 4564.

PENALTY FOR FAILURE TO PROVIDE STORES.

Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in Section 4568 of the Revised Statutes. (See page 35.)

SURVEY OF FOOD.

R. S. 4565.

DEMAND FOR SURVEY.

Any three or more of the crew of any merchant vessel of the United States bound to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or Shipping Commissioner, or chief officer of the Customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity.

METHOD OF SURVEY.

Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship.

If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars.

ENTRY IN LOG-BOOK.

Upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the Log-Book, and shall send a report thereof to the district judge for

the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

R. S. 4566.

COST OF SURVEY.

If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey. (This section shall not apply to fishing or whaling vessels or yachts.)

R. S. 4567.

RIGHT TO MAKE COMPLAINT.

If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall in default be liable to a penalty of not more than one hundred dollars.

MEDICINES AND LIME-JUICE.

R. S. 4569.

VESSELS TO WHICH LAW APPLIES.

Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines.

SAILING VESSELS, WHALERS, ETC., MUST SERVE LIME-JUICE.

Every sailing vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, to be served out to every seaman as follows:

MANNER OF SERVING AND AMOUNT.

The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

R. S. 4570.

PENALTY FOR FAILURE TO SERVE.

If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars.

If the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars.

If any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

NOTES.

The law in the matter of serving lime-juice is mandatory, and the penalty for neglect may be imposed even though no ill consequences result.

Consent of the crew to forego their right to lime-juice does not relieve the master from responsibility, nor affect the seamen's claim if health is injured.

It is the imperative duty of the master to supply the crew with the regular daily allowance of lime-juice, as required by Section 4569.

SLOP-CHEST.

ACT, JUNE 19, 1886.

VESSELS TO WHICH LAW APPLIES.

Every such vessel [see R. S. 4569], except vessels engaged in the whaling or fishing business, shall also be provided with a slop-chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, under clothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets.

CHARGES FOR SLOPS.

Any of the contents of the slop-chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding ten per cent. of the reasonable wholesale value of the same at the port at which the voyage commenced.

PENALTY AND EXCEPTIONS.

If any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than five hundred dollars.

The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico and Central America.

ILLEGALLY BOARDING VESSEL.

R. S. 4606.

Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title [R. S., 4501-4613].

SOLICITING LODGERS.

R. S. 4607.

If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months.

This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels.

ATTACHMENT OF CLOTHING.

ACT, APRIL 11, 1904.

The clothing of any seaman shall be exempt from attachment, and any person who shall detain such clothing when demanded by the owner shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months, or fined not more than five hundred dollars, or both.

SUM RECOVERABLE FROM SEAMAN.

R. S. 4537.

No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

FISHERMEN'S AGREEMENT.

R. S. 4391.

AGREEMENT IN WRITING.

The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the Bank and other cod fisheries, or the mackerel-fishery, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing-voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish or the proceeds of such fishing-voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing-vessel or his agent.

R. S. 4392.

PENALTY FOR DESERTION.

If any fisherman, having engaged himself for a voyage or for the fishing season in any fishing-vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen are subject to in the merchant service. (See R. S. 4596, page 87.)

Every fisherman, having so engaged himself, who during such fishing-voyage refuses or neglects his proper duty on board the fishing-vessel, being thereto ordered or required by the master thereof, or otherwise resists his just commands to the hindrance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

R. S. 4393.

VESSEL LIABLE FOR WAGES.

Whenever an agreement or contract is so made and signed for a fishing-voyage or for the fishing season, and any fish caught on board

such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant service. (See R. S. 4546-47, page 56.)

ACCOUNT OF SALES MUST BE PRODUCED.

Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded. But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his account of general supplies made for such fishing-voyage and of other supplies therefor made to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear.

R. S. 4394.

DISCHARGE OF VESSEL UPON GIVING BOND.

When process shall be issued against any vessel so liable, if the owner thereof or his agent will give a bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel.

Nothing in this or the preceding section shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof.

NOTES.

In addition to the foregoing, certain other provisions of the Navigation Laws are applicable to seamen employed on fishing vessels. (See Table of Sections, under "Fisheries," page 141.)

Seamen employed on fishing vessels, when engaged in the presence of a Shipping Commissioner, are subject to the sections made applicable to all other seamen so engaged in the coastwise trade, except those sections which are by their terms made not applicable to fishing vessels. (See Table of Sections, under "Coastwise (Maguire Act)," page 140.)

OFFICIAL LOG-BOOK.

R. S. 4290.

NATURE OF ENTRIES.

Every vessel making voyages from a port in the United States to any foreign port, or being of the burden of seventy-five tons, or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Log-Book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

1. Every legal conviction of any member of his crew, and the punishment inflicted.

2. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of Section 4597. (See page 88.)

3. Every offense for which punishment is inflicted on board, and the punishment inflicted.

4. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

5. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

6. Every case of death happening on board, with the cause thereof. (See R. S. 4538, page 64.)

7. Every birth happening on board, with the sex of the infant, and the names of the parents.

8. Every marriage taking place on board, with the names and ages of the parties.

9. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

10. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

11. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

12. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to

be entered in the Official Log-Book. Such entry shall be made in the manner prescribed in Section 4291, and failure to make such entry shall subject the offender to the penalties prescribed by Section 4292. (See below.)

R. S. 4291.

ENTRY AND WITNESSES.

Every entry hereby required to be made in the Official Log-Book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the Official Log-Book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it.

NO ENTRY MORE THAN TWENTY-FOUR HOURS AFTER ARRIVAL.

In no case shall any entry therein, in respect to any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival.

R. S. 4292.

PENALTY FOR FAILURE TO MAKE ENTRIES.

If in any case the Official Log-Book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such Log-Book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than twenty-five dollars.

Every person who makes, or procures to be made, or assists in making, any entry in any Official Log-Book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

NOTES.

The provisions of other sections require that every vessel shall carry an Official Log-Book. (See R. S. 4522, p. 43; 4547, p. 56; 4538, p. 64; 4539, p. 64; 4550, p. 48; 4555, p. 27; 4565, p. 78; 4597, p. 88; 4600, p. 91.)

Great care should be taken to insure that entries in the Log-Book are made in strict conformity with the requirements of law.

Entries of the sale of deceased seaman's effects must be witnessed by the mate and one of the crew. (See R. S. 4538, page 64.)

The Log-Book constitutes the chief evidence as to matters happening during the voyage. In event of proceedings before a Shipping Commissioner, consul, or court, as in the case of disputes concerning deductions from wages, wages due on account of deceased or deserting seamen, forfeitures for offenses, etc., the authorities may decline to receive any evidence unless the proper entry has been made in the Log-Book itself. (See R. S. 4597, page 88.)

For entries concerning offenses by seamen see R. S. 4597, page 88 and Notes, page 90.

OFFENSES AND PUNISHMENTS.

R. S. 4596.

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 7).

NATURE OF OFFENSES.

Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

Desertion, Coastwise or Foreign Port.

1. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

Refusing to Proceed to Sea.

2. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or—

Absence Without Leave.

For absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or—

Absence Without Cause.

For absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

Quitting the Vessel.

3. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

Willful Disobedience.

4. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Continued Willful Disobedience.

5. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the

master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of a sum of not more than twelve days' pay, or by imprisonment for not more than three months, at the discretion of the court.

Assaulting Master or Mate.

6. For assaulting any master or mate, by imprisonment for not more than two years.

Willfully Damaging Vessel.

7. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Smuggling.

8. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than twelve months.

R. S. 4597.

LOG-BOOK ENTRY MUST BE MADE ON DAY OF OCCURRENCE.

Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the Official Log-Book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew.

ENTRY MUST BE READ TO SEAMAN.

The offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit.

SEAMAN'S REPLY MUST BE ENTERED.

A statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner.

COURT MAY REFUSE TO RECEIVE EVIDENCE.

In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

R. S. 4602.

BREACH OF DUTY OR DRUNKENNESS.

Any master of, or any seaman or apprentice belonging to, any merchant vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

SHEATH-KNIFE PROHIBITED.

R. S. 4608.

No seaman in the merchant service shall wear any sheath-knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the

United States, under the direction of the Secretary of Commerce; one-half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

NOTES.

Masters should personally inquire into all charges made against seamen under Section 4596. A report made by any subordinate officer is not sufficient to justify the master in logging a seaman.

Care should be taken that the offense charged against a seaman is properly described, and that the penalty imposed is within the maximum provided for such offense.

In the case of offenses the entry in the Log-Book must be made on the day of the occurrence.

The entry must be read to the seaman as soon as possible after the occurrence and a statement that the entry has been read to the seaman, and his reply, if any, must also be entered in the Log-Book.

The penalty of disratment can only be imposed for incompetency. (See R. S. 4612, page 32.)

No deduction from wages as a penalty for any offense will be allowed unless an entry of the offense and the penalty imposed is made in the Log-Book, as provided by R. S. 4550. (See page 48.)

PROCEDURE FOR ENFORCING PENALTIES.

R. S. 4610.

All penalties and forfeitures imposed by this Title [R. S., 4501-4613], for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any district court of the United States, at the suit of any District Attorney of the United States, or at the suit of any person by information to any District Attorney in any port of the United States, where or near to where the offense is committed or the offender is found.

If a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminated upon payment of the amount and costs.

PENALTIES PAYABLE TO UNITED STATES.

All penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section 4545.

PENALTIES MAY BE REDUCED.

It shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this Act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount.

PROCEEDINGS WITHIN TWO YEARS.

All proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the district courts, unless the amount sued for exceeds the sum of five hundred dollars.

INSUBORDINATION IN FOREIGN PORT.

R. S. 4600.

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 8).

DUTY OF CONSUL TO DISCOURTEGE INSUBORDINATION.

It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most efficient manner.

INQUIRY INTO THE FACTS.

In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in Section 4583 of the Revised Statutes. (See page 61.)

ENTRY IN LOG-BOOK.

The officer discharging such seaman shall enter upon the Crew List and Shipping Articles and Official Log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the Official Log to the master, and his reply

thereto, if any, shall likewise be entered and subscribed in the same manner.

NOTES.

By the Act of March 4, 1915 (Seamen's Act, Sec. 8), the penalty of imprisonment for desertion in a foreign port was abolished. (See R. S. 4600, p. 91.)

By the same Act (Sec. 17) R. S. 5280, providing for the arrest of seamen deserting from foreign vessels in ports of the United States, and also so much of R. S. 4081 as relates to the same subject, were repealed. (See "Termination of Treaty Provisions," p. 106.)

Imprisonment for desertion in the coastwise trade was abolished by the Act of February 18, 1895 (Maguire Act). (See "Shipment In Coastwise Trade," p. 42.)

SEAMEN PROHIBITED FROM VISITING PASSENGERS' QUARTERS.

ACT, DEC. 19, 1908.

APPLICABLE TO OFFICERS AND SEAMEN.

Neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of passengers, except by the direction or permission of the master of such vessel first made or given for such purpose.

PENALTY FOR VIOLATION.

Every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding one hundred dollars, and be imprisoned not exceeding twenty days, for each violation.

PENALTY ON MASTER.

The master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than one hundred dollars for each time he directs or permits the provisions of this section to be violated.

NOTICE TO BE POSTED.

A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the forecastle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage.

PENALTY FOR FAILURE TO POST NOTICE.

If the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than one hundred dollars.

CRIMES—MURDER, MUTINY, ETC.

ACT, MARCH 4, 1909.

LOCALITIES IN WHICH CRIMES ARE COMMITTED.

The crimes and offenses defined in this chapter shall be punished as herein prescribed:

1. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or—

When committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

2. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said Lakes, or upon the River Saint Lawrence where the same constitutes the International boundary line.

3. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States Government or the Legislature of the State in

which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

4. When committed on any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

PENALTIES FOR CRIMES.

Murder, First Degree.

Every person guilty of murder in the first degree shall suffer death.

In all cases where the accused is found guilty of the crime of murder in the first degree, or rape, the jury may qualify their verdict by adding thereto "without capital punishment."

Whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment for life.

Murder, Second Degree.

Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life.

Manslaughter, Voluntary.

Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years.

Manslaughter, Involuntary.

Every person guilty of involuntary manslaughter shall be imprisoned not more than three years, or fined not exceeding one thousand dollars, or both.

Assault.

Whoever shall assault another with the intent to commit murder, or rape, shall be imprisoned not more than twenty years.

Whoever shall assault another with intent to commit any felony, except murder, or rape, shall be fined not more than three thousand dollars, or imprisoned not more than ten years, or both.

Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Whoever shall unlawfully strike, beat, or wound another shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Whoever shall unlawfully assault another, shall be fined not more than three hundred dollars, or imprisoned not more than three months, or both.

Attempt to Commit Murder.

Whoever shall attempt to commit murder or manslaughter, except as provided in the preceding section, shall be fined not more than one thousand dollars and imprisoned not more than three years.

Rape.

Whoever shall commit the crime of rape shall suffer death. (See under "Murder, First Degree.")

Whoever shall carnally and unlawfully know any female under the age of sixteen years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for the first offense, be imprisoned not more than fifteen years, and for a subsequent offense be imprisoned not more than thirty years.

Seduction.

Every master, officer, seaman, or other person employed on board of any American vessel who during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than one thousand dollars, or imprisonment not more than one year, or both; but subsequent intermarriage of the parties may be pleaded in bar of conviction.

Death From Negligence, etc.

Misconduct, negligence, or inattention to duty, resulting in loss of life, is punishable by a fine of not more than ten thousand dollars, or imprisonment for not more than ten years, or both.

Mayhem.

Mayhem is punishable by a fine of not more than one thousand dollars, or imprisonment for not more than seven years, or both.

Robbery.

Robbery is punishable by imprisonment for not more than fifteen years.

Arson.

Arson is punishable by a fine of not more than five thousand dollars, and imprisonment for not more than twenty years.

Larceny.

Larceny, if the property taken is of a value exceeding fifty dollars, or is taken from the person of another, is punishable by a fine of not more than ten thousand dollars, or imprisonment for

not more than ten years, or both; in all other cases, by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

Receiving Stolen Property.

Buying, receiving, or concealing stolen property, is punishable by a fine of not more than one thousand dollars and imprisonment for not more than three years.

Forgery of Public Document.

Forgery of public document is punishable by a fine of not more than one thousand dollars and imprisonment for not more than three years.

Mutiny.

Mutiny (endeavoring to make a revolt) is punishable by a fine of not more than one thousand dollars, or imprisonment for not more than five years, or both.

Mutiny (usurping master's authority) is punishable by a fine of not more than two thousand dollars and imprisonment for not more than ten years.

Abandonment of Seamen.

Abandonment of seamen is punishable by a fine of not more than five hundred dollars, or imprisonment for not more than six months, or both.

Barratry.

Barratry is punishable by a fine of not more than ten thousand dollars and imprisonment for not more than ten years.

Wrecking.

Wrecking is punishable by a fine of not more than five thousand dollars and imprisonment for not more than ten years.

Obstructing the escape of shipwrecked persons, holding out false lights, or extinguishing true lights, is punishable by imprisonment for life or not less than ten years.

Plundering Vessel.

Plundering a vessel is punishable by a fine of not more than five thousand dollars and imprisonment for not more than ten years.

Entering vessel with intent to commit felony, or destroying cordage or moorings, by fine of not more than one thousand dollars and imprisonment for not more than five years.

Casting away or otherwise destroying vessel (when committed by owner), by imprisonment for life or for any term of years.

Casting away, setting fire to, or otherwise attempting to destroy vessel (when committed by a person not being an owner), by imprisonment for not more than ten years.

Miscellaneous Offenses.

Miscellaneous offenses not made penal by the laws of the United States, but which are penal under the laws of the State, Territory, or District in which they are committed, are subject to the penalties provided by the laws of such State, Territory, or District.

SEAMEN'S WITNESS FEES.

R. S. 851.

There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, charge d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding one dollar for each day necessarily employed in such voyage, and in arriving at the place of examination or trial.

In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States.

When such seaman or person is transported in an armed vessel of the United States no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case fifty cents a day, may be paid by the court, and shall be paid to the captain of said vessel accordingly.

CORPORAL PUNISHMENT PROHIBITED.

R. S. 4611.

Amended by Act, March 4, 1915 (Seamen's Act, Sec. 9).

NO CORPORAL PUNISHMENT JUSTIFIABLE.

Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable.

Any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years.

Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port.

Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer.

ILLTREATMENT OF SEAMAN.

ACT, MARCH 4, 1909.

Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Nothing herein contained shall be construed to repeal or modify Section 4611 of the Revised Statutes. (See above.)

EXEMPTION FROM MILITIA DUTY.

ACT, JAN. 26, 1903.

Pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.

QUALIFICATIONS OF SEAMEN.

ACT, MARCH 4, 1915 (SEAMEN'S ACT, SEC. 13).*

QUALIFICATION AS TO LANGUAGE.

No vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in Section 1 of this Act (R. S. 4516, p. 45), shall be permitted to depart from any port of the United States unless she has on board a crew not less than seventy-five per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless forty per centum in the first year, forty-five per centum in the second year, fifty per centum in the third year, fifty-five per centum in the fourth year after the passage of this Act, and thereafter sixty-five per centum of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman.

QUALIFICATIONS AS TO AGE AND EXPERIENCE.

Every person shall be rated an able seaman, and qualified for service as such on the seas, who is nineteen years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels or coast guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds, who is nineteen years of age or upward and has had at least eighteen months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked

* See Appendix, page 5.

fishing vessels, naval vessels, or coast guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after twelve months' service at sea:

Provided, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent:

Provided further, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship, a person found competent may be rated as able seaman after having served on deck twelve months at sea, or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

CERTIFICATE OF SERVICE.

Any person may make application to any Board of Local Inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the Board of Local Inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each Board of Local Inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

MUSTER OF THE CREW.

The Collector of Customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section:

Provided, That the Collector of Customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart:

PENALTY FOR VIOLATION.

Provided further, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than one hundred dollars and not more than five hundred dollars.

And provided further, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section.

LIFE-SAVING REGULATIONS.

ACT, MARCH 4, 1915 (SEAMEN'S ACT, SEC. 14).^{*}
(SUMMARY.)

CLASSIFICATION OF LIFEBOATS.

Lifeboats are classified as of first and second class, according to their character and buoyancy.

Boats of the first class are those having entirely rigid sides; boats of the second class are those having partially collapsible sides.

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

Motor boats may be accepted as of the first class, but only to a limited number.

No boat may be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull or which has not a cubic capacity of at least one hundred and twenty-five cubic feet.

^{*} See Appendix, page 6.

The minimum number of first-class lifeboats and their capacity in cubic feet is determined by the length of the vessel, ranging from vessels of one hundred and less than one hundred and twenty feet (two boats, of nine hundred and eighty cubic feet), to vessels of nine hundred and ninety-five and less than one thousand and thirty feet (twenty boats, of forty-eight thousand seven hundred and fifty cubic feet), the requirement of capacity in cubic feet, in proportion to the length of the vessel, increasing in the ratio of five to one.

The minimum capacity of lifeboats, life-rafts, etc., proportioned to the number of persons on board, is based upon the class of vessel, the trade engaged in, and the season of the year.

There shall not be required on any voyage a total capacity in boats, and (where they are allowed) pontoon rafts, greater than that necessary to accommodate all the persons on board.

All ocean vessels shall be at all times provided with lifeboats, or lifeboats and pontoon life-rafts, sufficient to accommodate every person on board.

All Lake vessels on routes *more* than three miles off shore and over water whose depth is sufficient to submerge all the decks, shall be provided with lifeboats and pontoon life-rafts sufficient to accommodate every person on board.

Vessels of the latter class during the interval from May 15 to September 15 shall be provided with lifeboats and pontoon life-rafts sufficient to accommodate fifty per cent. of the persons on board, two-fifths of which accommodations shall be in lifeboats and and the remainder may be in collapsible boats or rafts.

CLASS OF VESSEL (OCEAN).

1. Passenger steam vessels of the United States on ocean routes *more* than twenty nautical miles off shore:—

Lifeboats having the minimum capacity required by these regulations—or

Lifeboats having a capacity sufficient to accommodate seventy-five per cent. of the persons on board.

The remainder of the accommodation required shall be provided either in boats of class one or class two, or in pontoon rafts of an approved type.

2. Passenger steam vessels of the United States on ocean routes *less* than twenty nautical miles off shore:—

Lifeboats having a capacity sufficient to accommodate seventy-five per cent. of the persons on board.

Provided, That during the interval from May 15 to Septem-

ber 15, inclusive, vessels of this class shall be required to carry lifeboats and pontoon life-rafts sufficient to accommodate not less than seventy per cent. of the persons on board, of which accommodation not less than fifty per cent. shall be in lifeboats and fifty per cent. may be in collapsible boats or rafts.

3. Ocean-cargo steam vessels of the United States:—

Lifeboats for all persons on board.

CLASS OF VESSEL (LAKE).

4. Passenger steam vessels of the United States on the Great Lakes, on routes *more than three miles off shore, except over waters whose depth is not sufficient to submerge all the decks of the vessel*:—

Lifeboats sufficient to accommodate at least seventy-five per cent of the persons on board.

Provided, That during the interval from May 15 to September 15, inclusive, vessels of this class shall be required to carry accommodation for not less than fifty per cent. of the persons on board in lifeboats and pontoon life-rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts.

5. Steam vessels on the Great Lakes, on routes *three miles or less off shore or over waters whose depth is not sufficient to submerge all the decks of the vessel*, and on all other lakes, and on rivers, bays, and sounds:—

Lifeboats and life-rafts in number, types and capacity, together with the proportion of such accommodation to the number of persons on board, to be determined by the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

6. Cargo steam vessels of the United States on the Great Lakes:—

(Same as Class 3.)

PASSENGER STEAM VESSELS (OCEAN AND LAKE) BUILT AFTER JULY 1, 1915.

7. Passenger steam vessels of the United States, the keels of which are laid after July 1, 1915, for service on ocean routes, or for service from September 15 to May 15 on the Great Lakes on routes *more than three miles off shore*, shall be built to carry, and shall carry, enough lifeboats and life-rafts to accommodate all persons on board, including passengers and crew.

Provided, That not more than 25 per cent. of such equipment may be in pontoon life-rafts or collapsible lifeboats.

CERTIFICATED LIFEBOAT MAN.

By "certificated lifeboat man" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce.

In order to obtain the special lifeboat man's certificate the applicant must prove to the satisfaction of an officer designated by the Secretary of Commerce that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

MANNING OF THE BOATS.

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows:

If the boat or raft carries—

	Certf'd Lifeboat Men.
25 persons or less.....	1
26 " and " than 41 persons.....	2
41 " " " 61 "	3
61 " to 85 "	4
86 " " 110 "	5
111 " " 160 "	6
161 " " 210 "	7

Thereafter one additional certificated lifeboat man for each additional fifty persons.

If the raft carries fifteen persons or less a licensed officer or able seaman need not be placed in charge.

One-half the number of rafts carried shall have a capacity of exceeding fifteen persons.

The allocation of the certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the circumstances.

A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men, and other members of its crew which shall be sufficient for its safe

management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each motor boat.

The duty of seeing that the boats, pontoon rafts and other life-saving appliances are at all times ready for use shall be assigned to one or more officers.

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list, showing the duties, stations, etc., shall be posted in several parts of the vessel, and in particular in the crew's quarters.

Musters and boat and fire drills shall be held at least once a week, either in port or at sea.

PENALTY FOR VIOLATION.

The owner of any vessel who neglects or refuses to provide and equip his vessel according to the provisions of this section shall be fined not less than five hundred dollars, nor more than five thousand dollars.

Every master of a vessel who shall fail to comply with the requirements of this section shall upon conviction be fined not less than fifty dollars, nor more than five hundred dollars.

POWERS OF SUPERVISING INSPECTORS.

Section 4488 of the Revised Statutes is amended by adding thereto the following:

The powers bestowed by this section upon the Board of Supervising Inspectors in respect of lifeboats, floats, rafts, life-preservers, and other life-saving appliances and equipment, and the further requirements herein as to davits, embarkation of passengers in lifeboats and rafts, and the manning of lifeboats and rafts, and the musters and drills of the crews, on steamers navigating the ocean, or any lake, bay, or sound of the United States, on and after July first, nineteen hundred and fifteen, shall be subject to the provisions, limitations, and minimum requirements of the regulations herein set forth, and all such vessels shall thereafter be required to comply in all respects therewith;

Provided. That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same.

Section 4489 of the Revised Statutes is hereby repealed.

TERMINATION OF TREATY PROVISIONS.

ACT, MARCH 4, 1915 (SEAMEN'S ACT, SECS. 16, 17).

Sec. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this Act, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within ninety days after the passage of this Act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

Sec. 17. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section fifty-two hundred and eighty and so much of section four thousand and eighty-one of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

DATE OF TAKING EFFECT.

ACT, MARCH 4, 1915 (SEAMEN'S ACT, SEC. 18).

That this Act shall take effect, as to all vessels of the United States, eight months after its passage, and as to foreign vessels twelve months after its passage, except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of the said articles as provided in section sixteen of this act.

ACCIDENTS TO TOW-BARGES.

ACT, MARCH 4, 1915 (SEAMEN'S ACT, SEC. 15).*

The owner, agent, or master of every barge which, while in tow through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of Sections 10, 11, 12, and 13 of Chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by Collectors of Customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the Department in respect to such accidents.

DAMAGES FOR INJURIES.

ACT, MARCH 4, 1915 (SEAMEN'S ACT, SEC. 20).

OFFICERS NOT FELLOW-SERVANTS.

In any suit to recover damages for any injury sustained on board vessel or in its service seamen having command shall not be held to be fellow-servants with those under their authority.

* See Appendix, page 7.

MARINE HOSPITAL SERVICE.

R. S. 4801.

PRESIDENT AUTHORIZED TO RECEIVE DONATIONS.

The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen.

ACT, MARCH 3, 1875.

DEFINITION OF TERM "SEAMAN."

The term "seaman," wherever employed in legislation relating to the Marine Hospital Service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

FOREIGN SEAMEN MAY BE CARED FOR.

Sick and disabled seamen of foreign vessels and of vessels [not subject to hospital dues] may be cared for by the Marine Hospital Service at such rates and under such regulations as the Secretary of the Treasury may prescribe. (See R. S. 4805, page 109.)

INSANE PATIENTS.

Insane patients of said [Marine Hospital] Service shall be admitted into the Government Hospital for the Insane upon the order of the Secretary of the Treasury, and shall be cared for therein until cured or until removed by the same authority.

The charge for each such patient shall not exceed four dollars and fifty cents a week, which charge shall be paid out of the Marine Hospital fund.

R. S. 4804.

PERSONS EMPLOYED ON CANAL BOATS NOT ENTITLED TO RELIEF.

No person employed in or connected with the navigation, management, or use of canal boats engaged in the coasting trade shall by reason thereof be entitled to any benefit or relief from the Marine Hospital fund.

R. S. 4805.

ADMISSION OF FOREIGN SEAMEN.

Sick foreign seamen may be admitted to the Marine Hospitals within the United States, if it can with convenience be done, on the application of the master of any foreign vessel to which any such seaman may belong.

Each seaman so admitted shall be subject to a charge of [seventy-five cents] per day for each day he may remain in the hospital, which shall be paid by the master of such foreign vessel to the Collector of the collection-district in which such hospital is situated.

The Collector shall not grant a clearance to any foreign vessel until the money so due from her master shall be paid. The officer in charge of each hospital is hereby directed, under penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital under his direction, and render the same to the Collector.

ACT, AUGUST 4, 1894.

LIFE-SAVING CREWS ENTITLED TO TREATMENT IN HOSPITALS.

The privilege of admission to and temporary treatment in the Marine Hospitals under the control of the Government of the United States be, and is hereby, extended to the keepers and crews of the Life-Saving Service under the same rules and regulations as those governing sailors and seamen, and for the purposes of this Act members of the Life-Saving Service shall be received in said hospitals and treated therein, and at the dispensaries thereof, as are seamen of American registered vessels: This Act shall not be so construed as to compel the establishment of hospitals or dispensaries for the benefit of said keepers and crews, nor as establishing a home for the same when permanently disabled.

REGULATIONS, PUBLIC HEALTH SERVICE.

413. The following persons are entitled to the benefits and facilities of the hospitals and relief stations of the Service—under special rules hereinafter prescribed:

Those [including the master] employed on board in the care, preservation, or navigation of any registered, enrolled, or licensed vessels of the United States, or in the service on board of those engaged in such care, preservation, or navigation.

Officers and crews of vessels in the Lighthouse Establishment.

Officers and crews of the Revenue-Cutter Service.

Seamen employed on the vessels of the Engineer Corps of the Army.

Seamen employed on the vessels of the Mississippi River Commission.

Keepers and crews of the United States Life-Saving Service.

Officers and seamen on vessels of the Coast and Geodetic Survey.

Seamen employed on yachts, provided the said yachts are enrolled, licensed, or registered as vessels of the United States.

Seamen employed on United States Army transports or other vessels belonging to the United States Army, when not enlisted men of the Army.

414. No person employed in or connected with the navigation, management, or use of canal boats engaged in the coastwise trade shall, by reason thereof, be entitled to any benefit or relief from the Service.

415. In case of doubt as to the fact of registration, enrollment, or license of a vessel, the officer to whom application for relief is made shall request information of the Collector of Customs at the port as to the character of vessel on which the seaman is employed, and the said Collector of Customs shall furnish such information, if practicable.

416. Seamen taken from wrecked vessels of the United States are entitled to the benefits of the Service if sick or disabled, and will be furnished care and treatment without reference to the length of time they have been employed.

417. Seamen employed on merchant vessels of the United States, returned to the United States from foreign ports by United States consular officers, if sick or disabled at the time of their arrival in a port of the United States, shall be entitled to the benefits of the service without reference to the length of the service.

418. A sick or disabled seaman, in order to obtain the benefits of the Service, must apply in person, or by proxy if too sick or disabled to do so, at the office of the Public Health Service, to an officer of that Service, or to the proper customs officer acting as the agent of the said Service at stations where no officer is on duty, and must furnish satisfactory evidence that he is entitled to relief under the regulations.

419. Masters' certificates and discharges from the United States Shipping Commissioners, made out and signed in proper form, showing that the applicant for relief has been employed for 60 days of continuous service in a registered, enrolled, or licensed vessel of the United States, a part of which time must have been during the 60 days immediately preceding his application for relief, shall entitle him to treatment. The phrase "60 days of continuous service" shall not be

held to exclude seamen whose papers show brief intermissions between short services that aggregate the required 60 days.

420. The certificate of the owner or accredited commercial agent of a vessel, as to the facts of the employment of any seaman on said vessel may be accepted as evidence in lieu of the master's certificate in cases where the latter is not procurable.

421. Masters of documented vessels of the United States shall, on demand, furnish any seaman who has been employed on such vessel, a certificate of the length of time said seaman has been so employed, giving the dates of such employment. This certificate will be filed in the Marine Hospital office or office of the Customs officer when application is made for relief, if relief is furnished.

422. When an applicant's claim for relief is rejected, a copy or copies of the master's certificate or other papers in the case, must be made, and the cause or causes for such rejection indorsed on said copy or copies which shall then be placed on file at the station.

423. Any master of a vessel or other person who shall furnish a false certificate of service with intent to procure the admission of a seaman into any Marine Hospital shall be immediately reported to the nearest United States Attorney for prosecution.

424. When an interval has occurred in the applicant's seafaring service by reason of the closure of navigation such interval shall not be considered as excluding him from relief.

425. During the season when navigation is closed at any port, seamen applying for relief at such ports shall be entitled to same, provided they present the documentary evidence required in paragraph 419, which must show that the applicants were employed within 60 days immediately preceding the said closure of navigation.

426. The time during which a seaman has been under treatment in hospital as a patient of the Service shall not be reckoned as absence from vessel in respect to debarring him from further relief.

427. Whenever an applicant for relief presents himself at the Marine Hospital office or the Custom House without a master's certificate or Shipping Commissioner's discharge and it is impracticable to obtain such certificate, the affirmation of the applicant as to the facts of his last employment, stating names of vessels and dates of service, may be accepted as evidence in support of his claim for the benefits of the service.

428. When the period of a seaman's service as shown by his certificate on last vessel is less than 60 days, his affirmation as to previous service may be accepted.

429. In cases of doubt, reasonable effort shall be made to verify

the genuineness of masters' certificates and Shipping Commissioners' discharges, and of the signatures to the same. Due care shall also be exercised to identify the persons presenting masters' certificates.

430. When a reasonable doubt exists whether the applicant is entitled to relief under the regulations, the application, accompanied by a statement of the facts, shall be immediately referred to the Surgeon General for decision, and when the seaman is in such condition that immediate medical or surgical attendance is necessary, he will be placed under treatment pending the decision, and the action in the case taken by the officer shall be reported at the same time.

431. When a seaman applies for relief after an absence of 60 days or more from his last vessel and it satisfactorily appears that it was impracticable for him to apply to the proper officer for treatment or that he obtained treatment at his own expense, a statement of the facts, together with a copy of the application and other papers in support of same, shall be filed and the seaman admitted to hospital.

432. Any seaman who is able to write will be expected to sign his name upon the face of the master's certificate issued to him before said certificate is signed by the master of the vessel, and the officer receiving such certificate shall require the applicant to verify the signature in his presence.

433. When patients are admitted for hospital treatment pending the decision of the Surgeon General, the usual permits will be issued, dated the day on which relief commenced, and numbered consecutively with current permits, and the date of the authorization of the department will be indorsed on the permit, if relief is authorized. If relief is not authorized, the applicant shall be discharged, and the disapproval indorsed upon the papers.

434. When a seaman who has received continuous treatment at the out-patient office for a period of two months applies for further treatment he must, to entitle him to treatment, furnish a new certificate of service, showing that he is still following his vocation as seaman, or give satisfactory evidence that such service has been prevented by closure of navigation or by sickness, the latest dates of service and, in case of lack of recent service, its explanation, to appear in each new relief certificate.

435. The expenses of caring for sick and disabled seamen incurred during a voyage will not be paid by the service.

436. The expenses for the care and treatment of seamen suffering from contagious diseases, who are entitled to the benefits of the service, and who, in accordance with the State or municipal health laws and regulations are taken to quarantine or other hospitals under charge of the local health authorities, will not be paid unless such

seamen were admitted at the time by the request of an officer of the service.

437. In no case shall money be paid to a seaman or to his family or friends by the service as reimbursement for expenses incurred during his sickness or disability.

438. Seamen who may be injured in street brawls or while committing a breach of the peace, and are therefore confined in jail or taken to civil hospitals by the local authorities for such acts, shall not receive treatment at the expense of the Service.

439. A seaman taken sick or injured on board or ashore while actually employed on a documented vessel shall be entitled to treatment at relief stations without reference to the length of their service.

440. A certificate of discharge may, at the discretion of the officer in charge of the case, be given to a hospital patient, but such certificate when presented at another relief station shall not be taken as sufficient evidence of the applicant's title to Marine Hospital relief, but may be considered as collateral to other satisfactory data submitted by the seaman.

441. Temporary relief only is contemplated, and admission to hospital is not intended to permit an indefinite residence therein for cause other than actual disease or injury.

442. The Surgeon General is authorized to issue orders for the temporary care and treatment of sick seamen at minor stations and for the transfer of patients, including necessary expenses whenever the interests of the service demand such transfers.

OUT-PATIENT RELIEF.

468. Sick and disabled seamen entitled under these regulations to the benefits of the service whose diseases or injuries are of such a nature that they can properly be relieved by medicine, dressings, or advice, without admission to hospital, shall be treated as out-patients and furnished medicines, dressings, surgical appliances, or advice, as the case may require.

469. Seamen will not be furnished relief at their own homes except by special authority from the Surgeon General, and then only an allowance for medical attendance and medicines will be made at rates fixed by the Treasury Department.

NOTES.

The requirement of Hospital Tax, payable at the rate of 40 cents per month for each seaman, was repealed by the Act of June 26, 1884 (Dingley Act), and the expense of maintaining the Marine Hospital Service was made payable out of the receipts for duties on tonnage.

Subsequently (Act, Mar. 3, 1905), the law was again changed, and the expense of maintaining the Public Health and Marine Hospital Service has since June 30, 1906, been defrayed by annual appropriation by Congress.

U. S. ARMY TRANSPORT SERVICE.

SEAMEN ENGAGED UNDER NAVIGATION LAWS.

The crews of the United States Army transports are engaged in the presence of the Shipping Commissioner at the respective ports.

Seamen employed on the vessels of the United States Army Transport Service are engaged under and subject to the provisions of the Navigation Laws, as applicable in the respective trades.

STIPULATIONS IN TRANSPORT ARTICLES.

It is also mutually agreed and understood that the crew shall assist each other in the working of the ship, shall handle cargo and trim coal if required by the master, and shall purchase and wear the prescribed uniform.

It is also mutually agreed and understood that any return of this ship to a port in the United States within the time which this contract covers shall not operate as a discharge.

It is also mutually agreed and understood that those members of the crew who shall serve their full term of shipment shall be discharged at a port in the United States, with pay to include the date of discharge at such port, and shall be furnished transportation and board money from the port of discharge in the United States to the port of shipment.

It is also mutually agreed and understood that the following members of the crew are not entitled to be discharged at a port in the United States with pay to include the date of discharge at such port, and shall not be furnished transportation and board money from the port of discharge in the United States to the port of shipment, to wit:

1. All those who are discharged for cause.
2. All those who are discharged at their own request within the time which is covered by their Shipping Articles.
3. All those who resign under charges or while being tried or before the promulgation of the findings in case of a trial.

It is also mutually agreed and understood that in case of an emergency or of a necessity the crew, or such members of the crew as may be needed, shall serve such period of time beyond the time covered by their Shipping Articles as the emergency or necessity shall demand at the same rate of pay as is indicated in their Shipping Articles for the position filled by them; and that the failure to serve shall carry with it a forfeiture of the right of discharge.

at a port in the United States with pay to include the date of discharge at such port and with transportation and board money from the port of discharge in the United States to the port of shipment.

It is also mutually agreed and understood that all officers and members of the crew will serve to the port to which bound under the Shipping Articles signed by them, though it be necessary to extend their time of service beyond that indicated in their Shipping Articles in order to do so; otherwise, they will forfeit their right to be returned to a port of discharge in the United States with pay to include the day of arrival at such port and with transportation and board money to the port where shipped.

It is also mutually agreed and understood that all officers and members of the crew who continue in the United States Transport Service beyond the time for which they have signed, or contracted, due to any cause whatsoever, will be considered as continuing to serve under an extension of the time indicated in the Shipping Articles, or contract signed by them, and will be subject to all the privileges, emoluments, forfeitures, and so forth covered by the said Articles or contract.

It is also mutually agreed and understood that all employes in the Army Transport Service upon their entry shall be sworn to observe its regulations, to obey the lawful orders of their superiors, and to use their utmost endeavors to carry such orders into effect with promptitude and zeal.

It is also mutually agreed and understood that punishment shall be in strict conformity to law, and in accordance with the usages of the sea service, and will follow the offense as promptly as circumstances will permit.

It is also mutually agreed and understood that the following punishments may be imposed:

1. Upon the ship's officers—private reprimand; suspension from duty, or confinement.
2. Upon the ship's company—reduction of rating; confinement with or without irons; confinement on bread and water not exceeding five days; deprivation of liberty on shore; extra duties, and forfeiture of pay under Sec. 4596, Revised Statutes. (See page 87.)

It is also mutually agreed and understood that deserters from the Army Transport Service shall forfeit all pay due them at the time of desertion.

It is also mutually agreed and understood that absence without leave for a period of three days may be regarded as desertion.

It is also mutually agreed and understood that any absence without

leave with a manifest intention not to return shall be regarded as desertion.

It is mutually agreed and understood that for just cause any member of the crew may be suspended without pay and then discharged at the first port of the United States.

In case of detention by an enemy of the United States following capture of the vessel, or capture while at any place under orders, members of the crew so detained shall receive compensation during the continuance of such detention, and until return to the United States as soon as practicable after release from detention, not exceeding one year in all, at the same rate of pay (wages and bonus) as immediately preceding such capture and detention, but in no case shall such rate be more than \$5000.00 per annum.

IMMIGRATION ACT AND HEAD TAX.

ACT, FEB. 5, 1917.

TAX PAYABLE BY VESSEL.

Sec. 2. There shall be levied, collected, and paid a tax of eight dollars for every alien, including alien seamen regularly admitted as provided in this Act, entering the United States. . . . The said tax shall be paid to the Collector of Customs of the port or customs district to which said alien shall come, or, if there be no Collector at such port or district, then to the Collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States.

Sec. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's Articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the Immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding five thousand dollars, for which sum the said vessel shall be liable and may be seized and proceeded against by way

of libel in any district court of the United States having jurisdiction of the offense.

Sec. 32. That no alien excluded from admission into the United States by any law, convention, or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such Immigration officer or by the Secretary of Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding one thousand dollars, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

Sec. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this Act to the contrary notwithstanding, provided due notice of such proposed action be given by the master or the seaman himself to the principal Immigration officer in charge at the port of arrival.

Sec. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this Act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this Act as provided in Section 20 of this Act.

IMMIGRATION RULES OF MAY 1, 1917.

SCOPE OF THE LAW.

The Act entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States," passed February 5, 1917, is the Immigration Act or law referred to in the following rules.

It applies to and is to be enforced in every part of the United States and every place possessed by the United States except the Isthmian Canal Zone. It is enforced by the Bureau of Immigration and the Immigration Service in every such place except the Philippine Islands, where it is enforced by the "officers of the general government thereof." But under the provisions of the Act persons who are not citizens of the United States, or citizens of the insular possessions, coming from the insular possessions to the mainland or proceeding from one insular possession to another, must undergo examination under each and every provision of the Act. Hawaii is a Territory, not an insular possession.

For the purposes of the Act citizens of islands under the jurisdiction of the United States are regarded as though citizens of the United States; all other persons who are not native-born or naturalized citizens of this country, except untaxed United States Indians, are aliens under the terms of the Act.

RULE 1. COLLECTION OF HEAD TAX.

Subd. 3. *Exemptions From Head Tax.*—The Head Tax shall not be levied in respect of the following class of aliens:

. . . (c) Aliens entering the United States for temporary stay [not exceeding six months] from Canada, Newfoundland, Cuba, or Mexico, whose legal domicile or bona fide residence was in one of those countries for at least one year immediately preceding such entry. This exemption shall not be lost merely by reason of temporary absences of short duration therefrom, nor merely because instead of entering the United States from Canada, Newfoundland, Cuba, or Mexico, the aliens come by way of some other foreign country in which they have sojourned temporarily.

Subd. 5. *Seamen.*—Head Tax shall be collected on "seamen regularly admitted" (Sec. 2). "Regularly admitted" means admitted in accordance with Rule 10.

RULE 7. STOWAWAYS.

All aliens who stow away on board vessels that come to ports of the United States shall upon the arrival of the vessels be held for

examination by a board of special inquiry, irrespective of whether they arrive as "stowaways" or, having stowed away, have become "workaways" en voyage. Unless the board reaches the unanimous conclusion that the alien is beyond a doubt, except for being a stowaway, entitled to land, it shall exclude. Appeal shall be allowed in such a case unless some mandatory reason for exclusion is found to exist.

RULE 10. SEAMEN—PAYMENT OF HEAD TAX.

Subd. 2. *Collection of Head Tax.*—(a) The Head Tax shall be collected on "alien seamen regularly admitted as provided in this Act" (Sec. 2). If the seaman shall be discharged in a United States port by the master or any other officer of the vessel "bringing such alien to the United States," and shall thereupon be regularly admitted, the Tax shall be paid by the "master, agent, owner, or consignee of the vessel" or "transportation line" responsible under Sec. 2.

(b) If the seaman lands without being discharged and voluntarily applies to the Immigration officials for examination, or is apprehended after entering without inspection and examined, and as a consequence of either examination is admitted, the seaman shall be required to pay the Tax himself as a condition precedent to his regular admission. But the same exception that applies to alien passengers from the insular possessions shall apply to cases arising hereunder.

(c) "Regularly admitted" means admitted with intention not to reshipe foreign and in accordance with the terms of this rule.

(f) No seaman shall be allowed by an Immigration Inspector to land from a vessel, either temporarily or permanently, except for the purpose of being registered by Immigration officials, without being registered in the foregoing manner and furnished with an identification card, unless he presents such a card showing that he has already been registered. If any owner, agent, consignee, or master of a vessel pays off or discharges or fails to retain on board any alien who has not been given the inspection required by this rule, such vessel thereby becomes liable to prosecution for the penalty prescribed by sections 32 and 33, and steps to that end shall be taken at once by the Immigration official in charge.

Subd. 4. *Medical Examination.*—All alien seamen arriving in ports of the United States shall be medically examined aboard ship, each time they arrive. So far as possible such examination shall be similar to that made in the cases of alien passengers. If any such seaman shall be found to be afflicted with any mental defect or phys-

ical disease or affection, which by operation of the certificate alone places him within any class of aliens mandatorily excluded by section 3, he shall be so certified, and shall be allowed to appeal to a board of surgeons, and, in mental cases, to introduce an expert witness of his own choice before such board, if he so desires. The certificate shall be delivered to the Immigration officer in charge of the examination of the seamen of the vessel involved, who shall promptly, for and in the name of the Immigration officer in charge at the port, notify the master or other responsible officer of the vessel that the alien must be detained on board in accordance with section 32, or placed in hospital in accordance with said section or section 35, and subdivision 5 hereof, as the certificate may indicate is advisable or the circumstances may demand, unless arrangements shall be made with the Immigration official in charge by the master or other officer of the vessel or transportation company for detention in an Immigrant station at the expense of the vessel or company.

Subd. 6. (b) If such seaman is not already in possession thereof, the officers of the vessel shall furnish him with the identification card described in subdivision 3 hereof, and the Immigration officials shall complete such card and note in the appropriate space thereon the seaman's intention with respect to reshipping or not. If it is ascertained that the seaman's intention is not to reship foreign, or to remain on a vessel that sails foreign, the inspection shall proceed as though the seaman were an alien passenger applying for admission, and he shall be admitted or held for special inquiry in regular course. If it is ascertained that it is the seaman's intention to remain on the vessel or to reship foreign, the inspection shall proceed sufficiently to develop to a reasonable degree whether or not the alien belongs to one of the excluded classes, a notation thereupon to be placed upon the card indicating the inspector's opinion as to the seaman's admissibility if he were applying for entry. * * *

(c) If such seaman is already in possession of the identification card prescribed in subdivision 3, the "primary immigration inspection" shall consist merely in determining that the presenter is the proper holder of the card and in ascertaining whether or not it is his intention to reship. If he asserts it is his intention to reship foreign, the "inspection" shall be closed by returning his card to him. If he asserts an intention not to reship foreign, the inspection shall then proceed as though the seaman were an alien passenger applying for admission, the seaman to be admitted or held for special inquiry in regular course as the facts may require. If admitted, his identification card should be taken up.

Subd. 7. *Secondary Immigration Inspection*.—(a) A seaman holding an identification card containing the notation "Division 1" made thereon in accordance with subdivision 6 hereof, who, at any time after having been permitted to land with the intention of reshipping, changes that intention and desires to remain permanently in the United States, may accomplish that purpose simply by surrendering his identification card to an Immigration officer in charge at any Immigrant station in the United States and furnishing a postal money order covering the Head Tax and the usual manifest data. In such cases, the officer to whom the card is surrendered and the money order for Head Tax delivered shall forward such card and money order to the officer in charge at the port where the card issued; and thereupon an entry shall be made in the appropriate records of such office showing the regular entry of the alien to the United States as of the date of the surrender and payment.

(b) Any seaman holding an identification card bearing either the notation "Division 3" or "Division 2" made thereon in accordance with subdivision 6 hereof, who, at any time after having been permitted to land with the intention of reshipping, changes that intention and desires to remain permanently in the United States, may apply for complete inspection to the Immigration officer in charge at any Immigrant station in the United States. Thereupon such a seaman shall be examined in regular manner, held for examination by board of special inquiry if expressly excludable or the facts and circumstances developed raise a doubt regarding his admissibility, and if found admissible by the Inspector or the board he shall be admitted upon surrendering his identification card and paying the Head Tax; if rejected by the board, he shall be allowed an appeal to the Department at Washington. If upon the taking of an appeal the board's decision is affirmed, a warrant of deportation will be issued by the Department and the alien deported (Sec. 20) at the expense of the Immigration appropriation. If the alien is admitted by the Inspector, the board, or the Department, the identification card and the money order for Head Tax collected shall be transmitted to the officer in charge at the port where the card issued, in the manner provided in the preceding paragraph hereof.

Subd. 8. *Value of Identification Card*.—The seaman's identification card hereinbefore prescribed shall not constitute evidence of a right to enter or to be or to remain in the United States. It simply evidences the status of the holder as a seaman, identifies him, and indicates the point to which his inspection or examination under the law has proceeded and what remains to be done in his case if he ceases to be a seaman and becomes an alien applicant for admission.

It shall have the same value at every other port as at the port where issued.

Subd. 9. *Arrest of Violators.*—(a) Any alien who shall come to a United States port as a seaman and land or remain in the United States otherwise than in pursuance of and in accordance with the provisions of this rule shall be arrested, as provided in section 34, whenever and wherever found in this country within three years from the date of landing or from the date when his status changed from that of a seaman to that of an alien here resident. Such alien shall then be brought before a board of special inquiry and subjected to a thorough examination under all provisions of the Immigration law applicable to the case of an alien seeking admission: such investigation, if any, as may be necessary to develop evidence concerning him shall be conducted; and he shall also be subjected to the medical examination required in the cases of alien applicants for admission. If rejected by the board he shall be allowed an appeal to the Department unless the rejection is upon a ground with respect to which the law prohibits an appeal; and, in any event, the record of the board of special inquiry shall be transmitted to the bureau for submission to the Department, in order that a final decision may be rendered if upon appeal and that a warrant of deportation may be issued whether upon appeal or not. Upon the issuance of the warrant the alien shall be deported at the expense of the Immigration appropriation.

NOTES.

Alien seamen (i. e., seamen of foreign birth whose naturalization as citizens of the United States has not been fully completed) arriving at ports of the United States on a vessel of American or other nationality are in the same position under the Immigration laws as all other aliens.

Every alien seaman must declare his intention either to enter the United States (i. e., to stay ashore or seek employment in the coastwise trade), or to re-ship in a vessel bound to a foreign port.

In the case of alien seamen discharged with intent to enter the United States the Head Tax is made payable by the owners of the vessels upon which they arrive.

In the case of alien seamen discharged with intent to re-ship in a vessel bound to a foreign port, no Head Tax is charged, but should any such seaman enter employment ashore or in the coastwise trade, the Head Tax is made payable by himself.

In all cases the right of alien seamen to enter the United States is dependent upon the result of examination as to health, character, literacy, etc., as in the case of all other aliens.

Alien seamen who have entered the United States with intent to re-ship in a vessel bound for a foreign port (i. e., those who have not been "regularly admitted" upon examination and payment of Head Tax), and who subsequently sail in any such vessel, must comply with the requirements of the Immigration law upon their return to the United States.

The Navigation Laws of the United States are not affected by the Immigration law. Seamen discharged from American vessels in ports of the United States are entitled to be paid the wages due them at the time and in the manner prescribed by R. S. 4529. (See page 47.)

WAGES DURING SICKNESS.

THE "OSCEOLA" CASE.

United States Supreme Court Reports, 187-190.

United States Supreme Court, March 2, 1903.

"On a certificate from the U. S. Circuit Court of Appeals for the Seventh Circuit presenting questions as to the liability of a vessel *in rem* to a member of the crew for injuries sustained through the negligence of the master. **Answered in the negative.**

". . . The questions of law upon which the Court desired the advice and instruction of the Supreme Court are—

"First. Whether the vessel is responsible for injuries happening to one of the crew by reason of an improvident and negligent order of the master in respect of the navigation and management of the vessel.

"Second. Whether in the navigation and management of the vessel the master of the vessel and the crew are fellow-servants.

"Third. Whether, as a matter of law, the vessel or its owners are liable to the appellee, Patrick Shea, who was one of the crew of the vessel, for the injury sustained by him by reason of the improvident and negligent order of the master of the vessel in ordering and directing the hoisting of the gangway at the time and under the circumstances declared; that is to say, on the assumption that the order so made was improvident and negligent."

"Mr. Justice Brown delivered the opinion of the Court."

". . . Upon a full review, however, of English and American authorities upon these questions, we think the law may be considered as settled upon the following propositions:

"1. That the vessel and her owners are liable, in case a seaman falls sick, or is wounded, in the service of the ship, to the extent of his maintenance and cure, and to his wages, at least so long as the voyage is continued.

"2. That the vessel and her owners are, both by English and American law, liable to an indemnity for injuries received by seamen in consequence of the unseaworthiness of the ship, or a failure to supply and keep in order the proper appliances appurtenant to the ship. *Scerff v. Metcalf*, 107 N. Y., 211, 13 N. E., 796.

"3. That all members of the crew, except, perhaps, the master, are, as between themselves, fellow-servants, and hence seamen cannot recover for injuries sustained through the negligence of another member of the crew, beyond the expense of his maintenance and cure.

"4. That the seaman is not allowed to recover an indemnity for the negligence of the master, or any member of the crew, but is entitled to maintenance and cure, whether the injuries were received by negligence or neglect." (See "Compensation for Accidents," below.)

COMPENSATION FOR ACCIDENTS.

DAMAGES UNDER FEDERAL LAW.

Under the admiralty laws of the United States, a seaman injured in the service of a vessel may recover damages where it is proved that the injury occurred through fault for which the vessel was responsible, and also where he has not been given proper care and attention after injury.

By the Act of March 4, 1915 (Seamen's Act, Sec. 20), "seamen

having command shall not be held to be fellow-servants with those under their authority." (See page 107.)

A seaman who falls sick or is injured in the service of a vessel is entitled to maintenance, cure, wages for the full period of the voyage. (See "The 'Osceola' Case," page 123.)

JURISDICTION OF STATES OVER SEAMEN.

By the decision of the United States Supreme Court in *Southern Pacific Co. v. Jensen* (No. 280—October Term, 1916, delivered May 21, 1917), it was held that the Workmen's Compensation Act of New York "conflicts with the general maritime law, which constitutes an integral part of the Federal law under Article 111, Sec. 2, of the Constitution, and to that extent is invalid."

This decision rendered invalid the Workmen's Compensation laws of all States, so far as these laws had been made applicable to seamen, and left the latter without relief for injuries suffered in the course of employment, except by suit for damages under the admiralty laws of the United States.

To remedy this condition an Act of Congress was passed (approved Oct. 6, 1917), amending Sections 24 and 256 of the U. S. Judicial Code, as follows:

AN ACT

To amend sections twenty-four and two hundred and fifty-six of the Judicial Code, relating to the jurisdiction of the district courts, so as to save to claimants the rights and remedies under the Workmen's Compensation law of any State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause three of section twenty-four of the Judicial Code is hereby amended to read as follows:

"Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it, and to claimants the rights and remedies under the Workmen's Compensation law of any State; of all seizures on land or waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize."

Sec. 2. That clause three of section two hundred and fifty-six of the Judicial Code is hereby amended to read as follows:

"Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it, and to claimants the rights and remedies under the Workmen's Compensation law of any State."

The purpose and effect of the Act are described in the Committee's report, as follows:

The bill proposes only to amend the Judicial Code by so enlarging the saving clause ["saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it"] as to include the rights and remedies under the compensation law of any State. Inasmuch as not only the remedy but sometimes the right under the compensation

plan is unknown to the common law, both rights and remedies are included in the bill. The bill if enacted will not disrupt the admiralty jurisdiction of the Federal courts. The most that can be said of it will be that it is a recognition by Congress that a concurrent jurisdiction, State and Federal, should exist over certain matters. Actions that were formerly triable in admiralty courts will still be triable there. Where the cases were formerly triable only in such courts it will now be possible for the State, through its compensation plan, to determine the rights of the parties concerned. In other words, there being a concurrent jurisdiction, the injured party, or his dependents, may bring an action in admiralty or submit a claim under the compensation plan.

The Workmen's Compensation laws of the respective States are now applicable to seamen, limited only by their own terms, as in many instances to include only seamen employed on vessels engaged in intrastate or inland waters.

Seamen injured on vessels included in the Workmen's Compensation law of any State may seek relief either by a suit in admiralty or by application to the State authorities.

SUMMARY OF STATE COMPENSATION LAWS.

Workmen's Compensation laws have not been enacted by the following maritime States: Alabama, Florida, Georgia, Mississippi, North Carolina and South Carolina.

The Workmen's Compensation law of Alaska is applicable only to persons employed in mining operations.

Seamen are included, either specifically, by ruling of the authorities, or by clear implication, in the Workmen's Compensation laws of certain other States. Under the terms of these laws compensation is payable without reference to the question of fault on the part of employer or employee, subject to certain conditions, namely, that the employee was regularly (not casually) employed at the time of the injury, that the injury arose out of and in the course of the employment, and that the injury was not caused by the willful act of the employee, by intoxication, or by failure to comply with orders given for the prevention of accidents. In all cases a waiting period of one or two weeks is provided, during which no compensation is payable.

The amount of benefit payable for total or partial disability, as noted in the following summary, covers ordinary accidents. In most instances special rates of compensation are provided for injuries resulting in loss of limb, eyesight, etc.

In estimating the average earnings of seamen allowance is made to cover the cost of board and lodging, in addition to the regular monthly rate of wages.

California.

Workmen's Compensation Act, January 1, 1918.

Seamen engaged in the State, or all seamen injured on the high seas, on vessels owned or registered in the State, and all seamen, wherever injured, who at the time of injury are residents of California and whose contract of hire or Shipping Articles were entered into in California, are entitled to compensation upon the following basis:

Temporary partial disability.—

Sixty-five per cent. of the weekly loss in wages during period of such disability (not to exceed three times the average annual earnings) for a period not exceeding 240 weeks.

Temporary total disability.—

Sixty-five per cent. of the average weekly earnings during the period of such disability; limitation of amount and period as above.

Permanent disability.—

Sixty-five per cent. of average weekly earnings for periods of four weeks to 240 weeks, according to extent of disability, with continued payments during life of ten per cent. to forty per cent. of average weekly earnings in cases of disability to the extent of seventy per cent. and over.

(Medical, surgical, and hospital treatment, including nursing, dressings, surgical apparatus, and artificial members, without limit.)

Death.—

To persons wholly dependent, payment (inclusive of cost of burial not exceeding \$100) equal to three times the average annual earnings; minimum, \$1,000; maximum, \$5,000.

To persons partially dependent, payment equal to three times the annual contribution of deceased to such dependents; burial benefit in addition.

Connecticut.**Workmen's Compensation Act, July 1, 1917.**

Seamen employed on vessels registered in the State, if injured within or without the waters of the State, are entitled to compensation upon the following basis:

Partial disability.—

Fifty per cent. of wage loss, not to exceed \$10 per week for 320 weeks.

Total disability.—

Fifty per cent. of average wages, not more than \$14 nor less than \$5 per week for not more than 520 weeks.

(Reasonable medical and surgical and hospital services.)

Death.—

Not exceeding fifty per cent. of average annual earnings, not more than \$10 nor less than \$5 per week for not more than 312 weeks.

Burial expenses, not to exceed \$100.

Delaware.**Workmen's Compensation Law, September 1, 1917.**

Seamen employed on vessels engaged in interstate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of the difference between earning capacity before and after injury, not exceeding \$10 per week, nor more than 270 weeks.

Total disability.—

Fifty per cent. of wages received at time of injury, not more than \$10 nor less than \$4 per week, for 270 weeks; thereafter twenty per cent. of wages, not more than \$6 nor less than \$2 per week.

(Medical, surgical, and hospital services and medicines not to exceed \$25.)

Death.—

Twenty-five per cent. of wages (not more than \$20 nor less than \$8 per week) to widow, increasing to sixty per cent., according to number of children, during period of 270 weeks.

Burial expenses not exceeding \$100.

Hawaii.**Workmen's Compensation Act, July 1, 1915.**

Seamen employed on vessels engaged in interisland trade, if injured within the waters of the Territory, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of wage decrease, not to exceed \$12 per week for 312 weeks; total not to exceed \$5,000.

Total disability.—

Sixty per cent. of weekly wages, not more than \$8 nor less than \$3 per week, for 312 weeks; total not to exceed \$5,000.

(Reasonable surgical, medical, and hospital services for first fourteen days, not to exceed \$50 in amount.)

Death.—

Forty per cent. of average weekly wages (not more than \$36 nor less than \$5 per week), increasing to sixty per cent. in proportion to number of dependent children.

Funeral expenses \$100.

Illinois.**Workmen's Compensation Act, July 1, 1917.**

Seamen, if injured within the waters of the State, are entitled to compensation upon the following basis:

Temporary partial disability.—

Fifty per cent. of the difference between earning capacity before and after injury (not more than \$12 nor less than \$6 per week) for a period of not more than eight years and not to exceed the amount of death benefit.

Temporary total disability.—

Fifty per cent. of earnings (not more than \$12 nor less than \$6 per week) during total disability, not to exceed the amount of death benefit.

Permanent disability.—

Payment in proportion to extent of disability limited as above, except in case of permanent total disability, in which case payment shall continue until the amount shall have reached the amount payable as death benefit, and thereafter a pension during life equal to 8 per cent. of the amount payable as death benefit, not less than \$10 per month.

(Medical treatment, hospital service, etc., for a period not longer than eight weeks nor exceeding \$200.)

Death.—

Payment (inclusive of compensation paid prior to death and exclusive of cost of medical treatment, hospital fees, etc.) equal to four times the average annual earnings, not less than \$1,650 nor more than \$3,500.

Indiana.**Workmen's Compensation Act, September 1, 1915.**

Seamen employed on vessels engaged in intrastate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of wage loss for not more than 300 weeks.

Total disability.—

Fifty-five per cent. of wages for not more than 500 weeks.
(Medical and hospital services for first 30 days.)

Death.—

Fifty per cent. of weekly wages for a period not exceeding 300 weeks from date of injury.

Louisiana.

Employer's Liability Act, January 1, 1915.

Seamen injured on vessels registered or enrolled in the State are entitled to compensation upon the following basis:

Temporary partial disability.—

Fifty per cent. of the difference in weekly wages before and after injury (not more than \$10 per week) for a period not exceeding 400 weeks.

Temporary total disability.—

Fifty per cent. of average weekly wages (not more than \$10 nor less than \$3 per week) for a period not exceeding 400 weeks.

Permanent partial disability.—

Fifty per cent. of the difference in weekly wages before and after injury (not more than \$10 per week) for periods proportioned to extent of disability, not exceeding 400 weeks.

Permanent total disability.—

Fifty per cent. of average weekly wages (not more than \$10 nor less than \$3 per week) for a period not exceeding 400 weeks.

(Medical treatment, hospital service, etc., not to exceed \$150, for a period of two weeks.)

Death.—

Payment (in addition to cost of medical treatment and burial, not exceeding \$100) not to exceed fifty per cent. of the average weekly earnings (not more than \$10 nor less than \$3 per week) for a period of 300 weeks from date of injury.

Maine.

Seamen employed on vessels engaged in intrastate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of the weekly wage loss, not to exceed \$10, for not more than 300 weeks.

Total disability.—

Fifty per cent. of average wages, not more than \$10 nor less than \$4 per week, for not more than 500 weeks; total not to exceed \$3,000.

(Medical aid and hospital services during first two weeks, not over \$30 in value.)

Death.—

Fifty per cent. of weekly wages, not more than \$10 nor less than \$4 per week, for 300 weeks.

Maryland.

Workmen's Compensation Act, November 1, 1914.

Seamen employed on vessels engaged in intrastate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of wage loss, not to exceed \$12 per week; total amount, \$3000.

Total disability.—

Fifty per cent. of weekly wages, not more than \$12 nor less than \$5 per week; total not to exceed \$5,000.

(Medical, surgical, etc., expenses, not above \$150 in value.)

Death.—

Fifty per cent. of weekly wages for eight years; not more than \$4,250 nor less than \$1,000.

Funeral expenses not over \$75.

Massachusetts.**Workmen's Compensation Act, July 1, 1912.**

Seamen employed on vessels engaged in intrastate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Two-thirds of wage loss, not to exceed \$10 per week for 500 weeks.

Total disability.—

Two-thirds of average weekly wages, not more than \$10 nor less than \$4 per week for a period not exceeding 500 weeks, nor \$4,000 in amount.

(Reasonable medical and hospital services, and medicines as needed, for the first two weeks after injury.)

Death.—

Two-thirds of average weekly wages, not more than \$10 nor less than \$4, for a period of 500 weeks, total not to exceed \$4,000.

Burial expenses not to exceed \$100.

Michigan.**Workmen's Compensation Act, May 7, 1913.**

Seamen employed on vessels engaged in intrastate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of wage loss, not more than \$10 per week, for 300 weeks.

Total disability.—

Fifty per cent. of earnings, not more than \$10 nor less than \$4 per week, for not longer than 500 weeks and not exceeding \$4,000.

(Reasonable medical and hospital services for the first three weeks.)

Death.—

Fifty per cent. of earnings, not more than \$10 nor less than \$4, for 300 weeks.

Minnesota.**Workmen's Compensation Act, October 1, 1913.**

Seamen employed on vessels engaged in intrastate commerce, or on a vessel owned in the State under a contract made in the State, if injured within or without the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of wage loss, not more than \$11 nor less than \$6.50 per week for 300 weeks, total not to exceed \$5,000.

Total disability.—

Fifty per cent. of wages, not more than \$11 nor less than \$6.50 per week for 400 weeks, thereafter not more than \$6.50 for 150 weeks; total not to exceed \$5,000.

(Reasonable medical and surgical treatment, not exceeding 90 days nor \$100 in value, unless in exceptional cases, when \$200 is the limit.)

Death.—

Thirty-five per cent. of monthly wages, increasing to 60 per cent. according to number of dependents, for not more than 300 weeks.

Funeral expenses, \$100.

New Hampshire.**Workmen's Compensation Act, January 1, 1912.**

Seamen employed on vessels engaged in intrastate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

A sum not exceeding 50 per cent. of loss of earning power, not to exceed \$10 per week for 300 weeks.

Total disability.—

A sum not exceeding 50 per cent. of average weekly earnings, not to exceed \$10 per week for 300 weeks.

Death.—

A sum equal to 150 times the average weekly earnings, inclusive of amount paid prior to death, not to exceed \$3,000.

New Jersey.**Workmen's Compensation Law, April 17, 1914.**

Seamen employed on vessels engaged in intrastate or interstate commerce, if injured within or without the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Payment of 66⅔ per cent. of wage loss, not more than \$15 nor less than \$5 per week, for fixed periods.

Total disability.—

Payment of 66⅔ per cent. of wages during continuance.

(Medical and surgical treatment and hospital services for sixty days.)

Death.—

Payment of 30 per cent. of wages, with increase for each child under 18 years, not to exceed 66⅔ per cent. of wages.

Funeral expenses, \$100.

New York.**Workmen's Compensation Law, July 1, 1914.**

Seamen employed on vessels registered in the State, if injured within the waters of the State, are entitled to compensation upon the following basis:

Temporary partial disability.—

Sixty-six and two-thirds per cent. of the difference in wages before and after injury, not exceeding \$3,500.

Temporary total disability.—

Sixty-six and two-thirds per cent. of the average weekly wages, not exceeding \$3,500.

Permanent partial disability.—

Sixty-six and two-thirds per cent. of the average weekly wages during periods proportioned to the extent of the disability, from 15 weeks to 312 weeks.

Permanent total disability.—

Sixty-six and two-thirds of the average weekly wages during the continuance of such total disability.

Compensation under either of the foregoing heads shall not be more than \$15 nor less than \$5 per week, except in the case of loss of a hand, arm, foot, leg, or eye, in which case compensation shall not be more than \$20 nor less than \$5 per week.

(Medical treatment, hospital service, etc., for a period of 60 days.)

Death.—

Payment (in addition to cost of burial, not exceeding \$100) to widow equal to 30 per cent. of the average wages during widowhood, with an additional 10 per cent. of average wages for each child under 18 years, not to exceed in the aggregate 66⅔ per cent. of average wages computed upon a basis not exceeding \$100 per month.

Ohio.

Workmen's Compensation Act, March 14, 1913.

Seamen employed on vessels registered in the State, if injured within or without the waters of the State, are entitled to compensation upon the following basis:

Temporary partial disability.—

Sixty-six and two-thirds per cent. of the difference in wages before and after injury, not more than \$12 per week nor exceeding \$3,750.

Temporary total disability.—

Sixty-six and two-thirds per cent. of the average weekly wages (nor more than \$12 nor less than \$5 per week) for not more than six years nor exceeding \$3,750.

Permanent partial disability.—

Sixty-six and two-thirds per cent. of the average weekly wages (not more than \$12 per week) during periods proportioned to the extent of the disability, from 10 weeks to 200 weeks.

Permanent total disability.—

Sixty-six and two-thirds per cent. of the average weekly wages during life, not more than \$12 nor less than \$5 per week.

(Medical treatment, hospital service, etc., not to exceed \$200.)

Death.—

Funeral expenses (not exceeding \$150) and 66⅔ per cent. of the average weekly wages for a period of eight years from the date of injury, not more than \$5,000 nor less than \$2,000.

Oregon.

Workmen's Compensation Law, 1917.

Seamen employed on vessels engaged in intrastate commerce are entitled, if injured within the waters of the State, to compensation on the following basis:

Temporary partial disability.—

Payment in proportion to loss of earning power, for a period not exceeding two years.

Temporary total disability.—

Payment of \$30 per month, or more if with dependents (increased 50 per cent. during first six months), not to exceed 60 per cent. of monthly wages.

Permanent partial disability.—

Payment of \$25 per month for periods proportioned to nature of injury.

(Transportation, medical, surgical and hospital expenses, not exceeding \$250 in value.)

Death.—

Payment to widow \$30 per month, \$6 per month additional for each child under 16 or 18 years; total not to exceed \$50 per month. Payment in proportion to orphans or other dependents.

Burial expenses not to exceed \$100.

Pennsylvania.

Workmen's Compensation Act, January 1, 1916.

Seamen, if injured within the waters of Commonwealth, are entitled to compensation upon the following basis:

Partial disability.—

Fifty per cent. of the difference in wages before and after injury (not more than \$10 per week) for a period not exceeding 300 weeks.

Total disability.—

Fifty per cent. of average weekly wages (not more than \$10 nor less than \$5 per week) for a period of not more than 500 weeks nor exceeding \$4,000.

(Medical attendance, hospital service, etc., not to exceed \$75, during the first fourteen days after injury.)

Death.—

Expenses of last sickness and funeral (not exceeding \$100) and 40 per cent. of weekly wages (estimated at not more than \$20 nor less than \$10 per week) to widow, with 5 per cent. additional for each child under 16 years (total not to exceed 60 per cent.) during a period of not more than 300 weeks from date of injury.

Porto Rico

Workmen's Compensation Act, July 1, 1916.

Seamen employed on vessels engaged in interisland commerce, if injured within the waters of the islands, are entitled to compensation on the following basis:

Temporary disability.—

Three-fourths of weekly wages, not more than \$7 nor less than \$3 per week, for not more than 104 weeks.

Permanent disability.—

The sum of \$1,500 and an amount equal to three-fourths of the weekly wages, not more than \$7 nor less than \$3 per week, for a maximum of 208 weeks.

(Necessary medical attendance, medicines, and food for not longer than eight weeks and not after date on which compensation is allowed.)

Death.—

Balance, if any, of the sum the workman would have received if the injuries had not proved fatal.

Burial expenses not exceeding \$40.

Rhode Island.**Workmen's Compensation Law, June 1, 1917.**

Seamen employed on vessels in intrastate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of difference in earning capacity before and after injury, not more than \$10 per week for 300 weeks.

Total disability.—

Fifty per cent. of average weekly wages, not more than \$10 nor less than \$4 per week, for 500 weeks.

(Necessary medical and surgical care and hospital services for first two weeks after injury.)

Death.—

Fifty per cent. of average weekly earnings, not more than \$10 nor less than \$4 for a period of 300 weeks.

Texas.**Employers' Liability Act, March 28, 1917.**

Seamen employed on vessels engaged in intrastate commerce, if injured within the waters of the State, are entitled to compensation upon the following basis:

Partial disability.—

Sixty per cent. of the difference between wages before and after injury (not more than \$15 per week) for a period not exceeding 300 weeks.

Total disability.—

Sixty per cent. of the average weekly wages (not more than \$15 nor less than \$5 per week) for a period not exceeding 401 weeks.

(Medical treatment, hospital service, etc., for the first two weeks.)

Death.—

Sixty per cent. of the average weekly wages (not more than \$15 nor less than \$5 per week) for a period of 360 weeks from the date of injury.

Virginia.**Workmen's Compensation Law, January 1, 1919.**

Seamen employed on vessels engaged in intrastate commerce, if injured within the waters of the State, are entitled to compensation on the following basis:

Partial disability.—

Fifty per cent. of difference between earning capacity before and after injury, not more than \$10 per week for a period of not more than 300 weeks.

Total disability.—

Fifty per cent. of average weekly earnings, not more than \$10 nor less than \$5 per week, not exceeding 500 weeks or \$4,000.

(Necessary medical attention for a period not exceeding thirty days.)

Death.—

Weekly payment equal to one-half of average weekly wages, not more than \$10 or less than \$5 per week for 300 weeks from date of injury.

Burial expenses not exceeding \$100.

Washington.**Workmen's Compensation Act, October 1, 1911.**

Seamen employed on vessels engaged in the inland waters of the State, if injured within such waters, are entitled to compensation on the following basis:

Temporary partial disability.—

Twenty dollars per month or less in proportion to loss of earning power, provided this shall exceed five per cent.

Permanent partial disability.—

Lump sum of \$1,500; ten per cent. additional to parents if injured person is a minor.

Temporary total disability.—

Twenty dollars per month, increased by 50 per cent. for first six months; total not to exceed 60 per cent. of monthly wages.

Permanent total disability.—

Twenty dollars per month, increasing in proportion to number of dependents; total not to exceed \$35 per month.

Death.—

Twenty dollars per month; to each child under 16, \$5 per month; total not to exceed \$35 per month.

Funeral expenses not to exceed \$75.

Wisconsin.**Workmen's Compensation Act, Sept. 1, 1917.**

Seamen employed on vessels the owners of which have subscribed to the Act, if injured while engaged in trade between ports of the State, are entitled to compensation upon the following basis:

Partial disability.—

Sixty-five per cent. of the difference in wages (on basis of not more than \$2.50 nor less than \$1.25 per day) before and after the injury during the period of disability, not exceeding four times the average annual earnings. Fixed benefits for amputations.

Total disability.—

Sixty-five per cent. of the average weekly earnings (increased to 100 per cent. if assistance of a nurse be required for first 90 days), not to exceed six times the average annual earnings for a period not exceeding 15 years.

(Medical treatment, hospital services, etc., for a period not exceeding 90 days.)

Death.—

Payment equal to four times the average annual earnings, but which when added to compensation paid prior to death shall not exceed six times the average annual earnings.

Funeral expenses not to exceed \$100.

COMPUTATION OF WAGES.

A month's wages shall be reckoned as from a given day in one month to the next preceding day in the following month.

Example:

June 15 to July 14 (inclusive) equals 1 month.

June 15 to August 14 (inclusive) equals 2 months.

June 15 to September 14 (inclusive) equals 3 months.

June 15 to October 13 (inclusive) equals 3 months, 29 days.

Fractions of a month shall be reckoned on the basis of 30 days in a month, as follows:

Three months at \$30 per month, \$90; 29 days at \$1 per day, \$29; total, \$119.

From the first to the last day (inclusive) of a given month equals one calendar month, irrespective of the number of days in the given month.

When the calendar month occupies less than 30 days, payment shall be made as for a full calendar month.

Example:

Feb. 1 to Feb. 28 (28 days) equals 1 month.

Feb. 21 to March 20 (28 days) equals one month.

TABLE OF WAGES

Days	\$ 20.00	\$ 25.00	\$ 30.00	\$ 35.00	\$ 40.00	\$ 45.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 65.00
½	.33	.41	.50	.58	.66	.75	.83	.91	1.00	1.08
1	.66	.83	1.00	1.16	1.33	1.50	1.66	1.83	2.00	2.16
2	1.33	1.66	2.00	2.33	2.66	3.00	3.33	3.66	4.00	4.33
3	2.00	2.50	3.00	3.50	4.00	4.50	5.00	5.50	6.00	6.50
4	2.66	3.33	4.00	4.66	5.33	6.00	6.66	7.33	8.00	8.66
5	3.33	4.16	5.00	5.83	6.66	7.50	8.33	9.16	10.00	10.83
6	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00	13.00
7	4.66	5.83	7.00	8.16	9.33	10.50	11.66	12.83	14.00	15.16
8	5.33	6.66	8.00	9.33	10.66	12.00	13.33	14.66	16.00	17.33
9	6.00	7.50	9.00	10.50	12.00	13.50	15.00	16.50	18.00	19.50
10	6.66	8.33	10.00	11.66	13.33	15.00	16.66	18.33	20.00	21.66
11	7.33	9.16	11.00	12.83	14.66	16.50	18.33	20.16	22.00	23.83
12	8.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	26.00
13	8.66	10.83	13.00	15.16	17.33	19.50	21.66	23.83	26.00	28.16
14	9.33	11.66	14.00	16.33	18.66	21.00	23.33	25.66	28.00	30.33
15	10.00	12.50	15.00	17.50	20.00	22.50	25.00	27.50	30.00	32.50
16	10.66	13.33	16.00	18.66	21.33	24.00	26.66	29.33	32.00	34.66
17	11.33	14.16	17.00	19.83	22.66	25.50	28.33	31.16	34.00	36.83
18	12.00	15.00	18.00	21.00	24.00	27.00	30.00	33.00	36.00	39.00
19	12.66	15.83	19.00	22.16	25.33	28.50	31.66	34.83	38.00	41.16
20	13.33	16.66	20.00	23.33	26.66	30.00	33.33	36.66	40.00	43.33
21	14.00	17.50	21.00	24.50	28.00	31.50	35.00	38.50	42.00	45.50
22	14.66	18.33	22.00	25.66	29.33	33.00	36.66	40.33	44.00	47.66
23	15.33	19.16	23.00	26.83	30.66	34.50	38.33	42.16	46.00	49.83
24	16.00	20.00	24.00	28.00	32.00	36.00	40.00	44.00	48.00	52.00
25	16.66	20.83	25.00	29.16	33.33	37.50	41.66	45.83	50.00	54.16
26	17.33	21.66	26.00	30.33	34.66	39.00	43.33	47.66	52.00	56.33
27	18.00	22.50	27.00	31.50	36.00	40.50	45.00	49.50	54.00	58.50
28	18.66	23.33	28.00	32.66	37.33	42.00	46.66	51.33	56.00	60.66
29	19.33	24.16	29.00	33.83	38.66	43.50	48.33	53.16	58.00	62.83
30	20.00	25.00	30.00	35.00	40.00	45.00	50.00	55.00	60.00	65.00

Days	\$ 70.00	\$ 75.00	\$ 80.00	\$ 85.00	\$ 90.00	\$ 95.00	\$100.00	\$105.00	\$110.00	\$115.00
1/2	1.16	1.24	1.32	1.41	1.50	1.58	1.66	1.75	1.83	1.91
1	2.32	2.49	2.66	2.83	3.00	3.16	3.33	3.50	3.67	3.83
2	4.66	4.99	5.32	5.66	6.00	6.33	6.66	7.00	7.33	7.67
3	7.00	7.50	8.00	8.50	9.00	9.50	10.00	10.50	11.00	11.50
4	9.32	9.99	10.66	11.33	12.00	12.66	13.32	14.00	14.67	15.33
5	11.66	12.49	13.32	14.16	15.00	15.83	16.66	17.50	18.33	19.17
6	14.00	15.00	16.00	17.00	18.00	19.00	20.00	21.00	22.00	23.00
7	16.32	17.49	18.66	19.83	21.00	22.16	23.32	24.50	25.67	26.83
8	18.66	19.99	21.32	22.66	24.00	25.33	26.66	28.00	29.33	30.67
9	21.00	22.50	24.00	25.50	27.00	28.50	30.00	31.50	33.00	34.50
10	23.32	24.99	26.66	28.33	30.00	31.66	33.32	35.00	36.67	38.33
11	25.66	27.49	29.32	31.16	33.00	34.83	36.66	38.50	40.33	42.17
12	28.00	30.00	32.00	34.00	36.00	38.00	40.00	42.00	44.00	46.00
13	30.32	32.49	34.66	36.83	39.00	41.16	43.32	45.50	47.67	49.83
14	32.66	34.99	37.32	39.66	42.00	44.33	46.66	49.00	51.33	53.67
15	35.00	37.50	40.00	42.50	45.00	47.50	50.00	52.50	55.00	57.50
16	37.32	39.99	42.66	45.33	48.00	50.66	53.32	56.00	58.67	61.33
17	39.66	42.49	45.32	48.16	51.00	53.83	56.66	59.50	62.33	65.17
18	42.00	45.00	48.00	51.00	54.00	57.00	60.00	63.00	66.00	69.00
19	44.32	47.49	50.66	53.83	57.00	60.16	63.32	66.50	69.67	72.83
20	46.66	49.99	53.32	56.66	60.00	63.33	66.66	70.00	73.33	76.67
21	49.00	52.50	56.00	59.50	63.00	66.50	70.00	73.50	77.00	80.50
22	51.32	54.99	58.66	62.33	66.00	69.66	73.32	77.00	80.67	84.33
23	53.66	57.49	61.32	65.16	69.00	72.83	76.66	80.50	84.33	88.17
24	56.00	60.00	64.00	68.00	72.00	76.00	80.00	84.00	88.00	92.00
25	58.32	62.49	66.66	70.83	75.00	79.16	83.32	87.50	91.67	95.83
26	60.66	64.99	69.32	73.66	78.00	82.33	86.66	91.00	95.33	99.67
27	63.00	67.50	72.00	76.50	81.00	85.50	90.00	94.50	99.00	103.50
28	65.32	69.99	74.66	79.33	84.00	88.66	93.32	98.00	102.67	107.33
29	67.66	72.49	77.32	82.16	87.00	91.83	96.66	101.50	106.33	111.17
30	70.00	75.00	80.00	85.00	90.00	95.00	100.00	105.00	110.00	115.00

Days	\$120.00	\$125.00	\$130.00	\$135.00	\$140.00	\$145.00	\$150.00	\$155.00	\$160.00
1/2	2.00	2.08	2.16	2.25	2.33	2.41	2.50	2.57	2.66
1	4.00	4.17	4.33	4.50	4.66	4.83	5.00	5.16	5.33
2	8.00	8.33	8.67	9.00	9.33	9.67	10.00	10.32	10.67
3	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50	16.00
4	16.00	16.67	17.33	18.00	18.66	19.33	20.00	20.65	21.33
5	20.00	20.83	21.67	22.50	23.33	24.17	25.00	25.82	26.67
6	24.00	25.00	26.00	27.00	28.00	29.00	30.00	31.00	32.00
7	28.00	29.17	30.33	31.50	32.66	33.83	35.00	36.15	37.33
8	32.00	33.33	34.67	36.00	37.33	38.67	40.00	41.32	42.67
9	36.00	37.50	39.00	40.50	42.00	43.50	45.00	46.50	48.00
10	40.00	41.67	43.33	45.00	46.66	48.33	50.00	51.65	53.33
11	44.00	45.83	47.67	49.50	51.33	53.17	55.00	56.82	58.67
12	48.00	50.00	52.00	54.00	56.00	58.00	60.00	62.00	64.00
13	52.00	54.17	56.33	58.50	60.66	62.83	65.00	67.15	69.33
14	56.00	58.33	60.67	63.00	65.33	67.67	70.00	72.32	74.67
15	60.00	62.50	65.00	67.50	70.00	72.50	75.00	77.50	80.00
16	64.00	66.67	69.33	72.00	74.66	77.33	80.00	82.65	85.33
17	68.00	70.83	73.67	76.50	79.33	82.17	85.00	87.82	90.67
18	72.00	75.00	78.00	81.00	84.00	87.00	90.00	93.00	96.00
19	76.00	79.17	82.33	85.50	88.66	91.83	95.00	98.15	101.33
20	80.00	83.33	86.67	90.00	93.33	96.67	100.00	103.32	106.67
21	84.00	87.50	91.00	94.50	98.00	101.50	105.00	108.50	112.00
22	88.00	91.67	95.33	99.00	102.66	106.33	110.00	113.65	117.33
23	92.00	95.83	99.67	103.50	107.33	111.17	115.00	118.82	122.67
24	96.00	100.00	104.00	108.00	112.00	116.00	120.00	124.00	128.00
25	100.00	104.17	108.33	112.50	116.66	120.83	125.00	129.15	133.33
26	104.00	108.33	112.67	117.00	121.33	125.67	130.00	134.32	138.67
27	108.00	112.50	117.00	121.50	126.00	130.50	135.00	139.50	144.00
28	112.00	116.67	121.33	126.00	130.66	135.33	140.00	144.65	149.33
29	116.00	120.83	125.67	130.50	135.33	140.17	145.00	149.82	154.67
30	120.00	125.00	130.00	135.00	140.00	145.00	150.00	155.00	160.00

Days	\$165.00	\$170.00	\$175.00	\$180.00	\$185.00	\$190.00	\$195.00	\$200.00
$\frac{1}{2}$	2.74	2.82	2.91	2.98	3.08	3.16	3.24	3.33
1	5.49	5.65	5.83	5.99	6.16	6.33	6.49	6.67
2	10.99	11.32	11.67	11.98	12.33	12.66	12.99	13.33
3	16.50	17.00	17.50	18.00	18.50	19.00	19.50	20.00
4	21.98	22.64	23.33	23.98	24.66	25.32	25.98	26.67
5	27.49	28.32	29.17	29.98	30.83	31.66	32.49	33.33
6	33.00	34.00	35.00	36.00	37.00	38.00	39.00	40.00
7	38.48	39.64	40.83	41.98	43.16	44.32	45.48	46.67
8	43.99	45.32	46.67	47.98	49.33	50.66	51.99	53.33
9	49.50	51.00	52.50	54.00	55.50	57.00	58.50	60.00
10	54.98	56.64	58.33	59.98	61.66	63.32	64.98	66.67
11	60.49	62.32	64.17	65.98	67.83	69.66	71.49	73.33
12	66.00	68.00	70.00	72.00	74.00	76.00	78.00	80.00
13	71.48	73.64	75.83	77.98	80.16	82.32	84.48	86.67
14	76.99	79.32	81.67	83.98	86.33	88.66	90.99	93.33
15	82.50	85.00	87.50	90.00	92.50	95.00	97.50	100.00
16	87.98	90.64	93.33	95.98	98.66	102.32	103.98	106.67
17	93.49	96.32	99.17	101.98	104.83	107.66	110.49	113.33
18	99.00	102.00	105.00	108.00	111.00	114.00	117.00	120.00
19	104.48	107.64	110.83	113.98	117.16	120.32	123.48	126.67
20	109.99	113.32	116.67	119.98	123.33	126.66	129.99	133.33
21	115.50	119.00	122.50	126.00	129.50	133.00	136.50	140.00
22	120.98	124.64	128.33	131.98	135.66	139.32	142.98	146.67
23	126.49	130.32	134.17	137.98	141.83	145.66	149.49	153.33
24	132.00	136.00	140.00	144.00	148.00	152.00	156.00	160.00
25	137.48	141.64	145.83	149.98	154.16	158.32	162.48	166.67
26	142.99	147.32	151.67	155.98	160.33	164.66	168.99	173.33
27	148.50	153.00	157.50	162.00	166.50	171.00	175.50	180.00
28	153.98	158.64	163.33	167.98	172.66	177.32	181.98	186.67
29	159.49	164.32	169.17	173.98	178.83	183.66	188.49	193.33
30	165.00	170.00	175.00	180.00	185.00	190.00	195.00	200.00

TABLE OF SECTIONS

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GENERAL.

The sections of the Revised Statutes of the United States and Acts of Congress noted under this head are applicable to all vessels and to all agreements, with certain exceptions in the case of fishing vessels. (See "Fisheries.")

In addition, the sections and Acts noted under "Foreign," "Coastwise," "Coastwise (Maguire Act)," and "Fisheries" are applicable to vessels in these trades, respectively.

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FOREIGN.

The sections of the Revised Statutes of the United States and Acts of Congress noted under this head are applicable only in the foreign trade, with certain exceptions (see *) in the case of coastwise vessels when engagement is entered into in the presence of a Shipping Commissioner. (See under “Coastwise—Maguire Act.”)

In addition, the sections and Acts noted under “General” are applicable in the foreign trade.

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COASTWISE.

The sections of the Revised Statutes of the United States noted under this head are applicable only in the coastwise trade, when Articles are signed by the master and seamen without going before a Shipping Commissioner.

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COASTWISE (MAGUIRE ACT).

The sections of the Revised Statutes of the United States and Acts of Congress noted under this head are applicable in the coastwise trade, when Articles are signed in the presence of a Shipping Commissioner.

Sections marked with an asterisk (*) are applicable also in the foreign trade. (See "Foreign.")

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APPENDIX

SEAMEN'S ACT.

DEPARTMENT REGULATIONS.

The regulations issued by the Department of Commerce for the enforcement of the Seamen's Act are here reprinted in substance, as follows:

ADVANCE AND ALLOTMENT.

Sec. 11, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 259, August 10, 1915.)

Officers of the Customs will not issue a clearance to any vessel seeking clearance until the Shipping Articles have been examined as to allotments of seamen's wages. The only allotments permitted by the section are to a seaman's grandparents, parents, wife, sister, or children. Such allotments on the Articles must be approved by the Shipping Commissioner or officer of the Customs acting as Shipping Commissioner in the case of a vessel of the United States, and by the consul in the case of a foreign vessel.

Clearance cannot be granted under the section if the Shipping Articles show that allotments to others than the relatives or dependents named have been made in the port from which the vessel seeks clearance.

Foreign vessels.—The section will apply to foreign vessels in waters of the United States on and after March 4, 1916, unless covered by treaties or conventions, and will apply to foreign vessels if covered by treaties and conventions on the expiration of the period fixed in the notice of abrogation of articles in such treaties and conventions.

WATCH-AND-WATCH—HOLIDAYS—WORKDAY.

Sec. 2, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 262, August 13, 1915.)

The section prescribes no penalty on the master or owner for failure to comply with its provisions.

Collectors of Customs will distribute this circular promptly to the masters of such merchant vessels of the United States as are covered by the section, requesting them after November 4 to post it in forecables.

Local Inspectors of Steam Vessels will bear the section in mind in fixing the complement of officers and crew in the Inspection Certificate, pursuant to Section 4463, Revised Statutes, as amended by the Act of March 3, 1913. Where changes in outstanding Certificates of Inspection may be necessary, they may be made by indorsement.

Shipping Commissioners on and after November 4, 1915, until otherwise instructed, will furnish two copies of this circular to the master of every vessel of more than 100 tons gross, the crew of which is shipped before them, with the request that one copy be posted in such part of the vessel as to be accessible to the crew.

Complaint by a seaman that the master has failed to comply with this section may be made to the United States Shipping Commissioner, or, in a foreign port, to the American Consul, if the crew has been shipped on the United States Shipping Articles. The Shipping Commissioner or Consul will hear such complaints and render his decision in the manner now prescribed for hearing and deciding complaints.

DEFINITION OF NINE-HOUR DAY.

(General Letter No. 119, Department of Commerce, June 7, 1916.)

Collectors of Customs, Local Inspectors of Steam Vessels, and Others Concerned:

Your attention is invited to the following opinion of the Solicitor of this Department in re construction of provision of Section 2 of the Seamen's Act of March 4, 1915, providing that nine hours shall constitute a day's work on a vessel in a safe harbor:

"Section 2 of the Act of March 4, 1915 (the Seamen's Act), contains, among others, the following provisions:

"'And at all times while such vessel is in a safe harbor nine hours, inclusive of the anchor watch, shall constitute a day's work.'

"A ruling of the Department has been requested in this connection upon the following questions:

"(1) When is a vessel to be considered as being in a safe harbor within the meaning of the above provision?

"(2) When do the nine hours therein referred to begin to run?

"(3) Is a vessel passing through the Soo Canal to be considered as being within a safe harbor and subject to the said provision?

"And the matter has been referred to this office for an opinion.

"The first two questions are practically the same and may be treated together. An examination of the provision clearly shows that it was intended to apply to and cover work necessary to be done on a vessel while in port, as distinguished from the duties necessary in actual navigation while on her voyage. Putting it in another way, the provision was not intended to apply until the destination had been reached and the voyage was at an end. This latter does not take place until the vessel has come to anchor, or has been made fast to a dock or pier within such safe harbor. Until then, such vessel must be considered as still on her voyage and being navigated. I am therefore of the opinion that the nine hours referred to in the said provision of Section 2 of the Act of March 4, 1915, do not begin to run until the vessel has come to anchor or has been made fast to a dock or pier within a safe harbor. The reverse of this is also of course true: When a vessel weighs anchor or lets go the lines and begins her voyage the nine hours cease to run.

"The third question submitted is answered in the negative. Passing through the canal can only be considered as a necessary incident to, or a part of, a continuous voyage of the vessel."

(Signed) WILLIAM C. REDFIELD,
Secretary.

PAYMENT OF WAGES—MONEY IN PORT.

Secs. 3 and 4, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 260, August 11, 1915.)

On and after November 4, 1915, these sections will apply to seamen on vessels of the United States.

Section 3 (Payment of Wages) will not apply to foreign vessels.

On and after March 4, 1916, Section 4 (Money in Port) will apply to seamen on vessels of the following nations, not covered by treaties or conventions with the United States: Argentina, Bolivia, Brazil, Chile, China, Cuba, Dominican Republic, Great Britain, Haiti, Honduras, Mexico, Panama, Peru, Portugal, Russia, Uruguay, and Venezuela.

On and after July 1, 1916, when the period fixed for abrogation of articles in treaties or conventions will expire, Section 4 will apply to seamen on vessels of the following nations: Austria-Hungary, Belgium, Colombia, Denmark, France, Greece, Italy, Japan, Netherlands, Norway, Roumania, Spain, and Sweden.

ATTACHMENT OF WAGES.

Sec. 12, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 260, August 11, 1915.)

On and after November 4, 1915, this section will apply to seamen on vessels of the United States, and attention is directed particularly to its application to fishermen. The section does not apply to seamen on foreign vessels.

DISCHARGE IN FOREIGN PORT.

Sec. 19, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 263, August 29, 1915.)

The personal appearance of the master of the vessel before an American Consul or consular agent to consent to the discharge of a seaman who has been incapacitated by injury or illness may be waived by the Consul under the following conditions:

When the condition of the injured or ill seaman is such that prompt medical attendance is necessary and cannot be furnished on shipboard, and

When the master cannot proceed with the seaman to the Consul without risk to the crew, the vessel, or the cargo.

In such cases the master will address to the Consul in writing a full statement of the facts which render necessary the discharge of the seaman, together with a statement of the reasons why he himself is unable to appear before the Consul. The statement should cover the usual particulars set forth in a discharge and should be accompanied with an account of the wages due and with the necessary funds to meet such wages, or (if the cash be not available) with an order on the owner for the amount due.

If the Consul shall deem the statement satisfactory, he may discharge the seaman as directed in Section 4581, Revised Statutes, as amended by Section 16 of the Act of December 21, 1898, and Section 19 of the Act of March 4, 1915, as if the master were present, attaching to the discharge and to his relief account a copy of the statement submitted by the master.

If the Consul shall deem the statement unsatisfactory, he will decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.

QUALIFICATIONS OF SEAMEN.

Sec. 13, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 264, October 29, 1915.)

By virtue of the authority conferred by Section 13 of the Act approved March 4, 1915, the following regulations are prescribed for determining the knowledge of the duties of seamanship of such persons who make application for examination for a certificate of service as able seaman:

1. Any person who has had twelve months' service on deck at sea or on the Great Lakes on any vessel of 100 tons gross and upward (except those navigating rivers exclusively and the smaller inland lakes, and except fishing or whaling vessels or yachts), including decked fishing vessels, naval vessels, and coast-guard vessels may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit as to service, and examination as to physical condition and knowledge of the duties of seamanship, showing the nationality and age of the applicant and the vessel or vessels on which he has had service, the board of local inspectors shall issue to said applicant

a certificate of service which shall be retained by him and be accepted as prima facie evidence of his rating as able seaman.

2. No person shall be examined who does not produce satisfactory affidavit or affidavits that he has served at sea or on the Great Lakes as prescribed in paragraph 1.

3. Each applicant shall pass the prescribed physical examination before a medical officer of the Public Health Service before being permitted to take the examination to determine his knowledge of the duties of seamanship.

(The examiner will not certify as incompetent applicants suffering from minor defects which would not materially interfere with the discharge of the duties of able-seaman. Any one of the following defects will be sufficient for certification as incompetent, viz: Badly impaired vision, color blindness, deafness, epilepsy, insanity, severe chronic cardiac affections, hernia fistula in ano, severe varicose veins, acute gonorrhea, active syphilis, open tuberculosis or any chronic defect which will materially interfere with the discharge of the duties of an able seaman.)

4. The professional examination to determine the applicant's knowledge of the duties of seamanship shall be oral, and shall be conducted in the form of questions and answers and by practical tests. The applicant shall be examined in each of the prescribed subjects and given a mark in each based on a scale of 100.

5. No person shall be recommended for or shall receive the certificate of service as able seaman who fails to attain a general average of merit of 70 per cent.

6. The professional examination may be conducted by an officer of the United States Navy, the Coast Guard, Lighthouse Service, Coast and Geodetic Survey, Navigation Service, or any other marine officer designated by the Secretary of Commerce. When any such officer conducts the examination the board of local inspectors shall issue to the applicant a certificate of service as able seaman upon receiving notice in writing from such an officer that the applicant has passed the prescribed examination as to knowledge of the duties of seamanship.

7. The professional examination will be conducted as concisely as possible, with the view of determining the applicant's qualifications, and will embrace the following subjects:

(a) **Boxing the compass.**—The applicant will be required to box the compass by points or degrees, according to the experience he has had in the use of either method.

(b) **Lights and fog signals.**—A knowledge will be required of the running and anchor lights for steam and sailing vessels on the sea, inland waters, or Great Lakes, and a like knowledge of fog signals, according to the waters on which the applicant has served.

(c) **Signals for starting, stopping, slowing down, and backing the engines of steam vessels.**—This examination will be restricted to the signals in use on the sea, or Great Lakes, according to the waters on which the applicant has served. In view of the widespread use of engine telegraphs, knowledge of engine bell signals, while deemed advantageous, will not be required if in other respects the candidate qualified.

(d) **Passing signals for steam vessels.**—To be confined to vessels meeting or passing under ordinary conditions.

(e) **Knotting, bending, splicing, and hitching.**—The applicant will be required to make a few of the principal knots, bends, splices, and hitches in common use by sailormen.

(f) **Ability to pull an oar.**—The applicant's knowledge of pulling an oar will be determined by actual trial in a boat.

(g) **Clearing away, lowering, and getting a boat away from the ship.**—The applicant's ability will be determined by actual trial aboard ship.

(h) **Handling boats at sea.**—This examination will include questions relative to the proper handling of a boat in running before a heavy sea; in pulling into a sea; the trip of the boat; and steering with an oar, tiller, or yoke.

(i) **Knowledge of nautical terms.**—The applicant will be required to definitely locate different parts of a ship, and to give the names of the different masts, sails, rigging, davits, etc.

(j) **Steering.**—The applicant will be required to demonstrate his knowl-

edge of handling the wheel of a steamer by obeying orders passed to him as "wheelman."

QUALIFICATIONS OF SEAMEN.

Sec. 13, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 265, September 18, 1915.)

This section will take effect as to vessels of the United States on November 4, 1915, and as to all foreign vessels on March 4, 1916.

The Department construes the words "able to understand any order given by the officers of such vessel" to mean the necessary orders that may be given to members of the crew in each department in the course of the performance of their duties.

The Department also construes the section as meaning only such orders as may normally be given to members of the crew in each department of the vessel in the course of the usual performance of their regular duties. Among these duties, however, should be included lifeboat work, or emergency work for such members of the crew as may be called upon to perform these classes of work.

The Department construes the section to mean that a demonstration in the presence of the Customs Collector or his deputy by the proper proportion of the crew in executing the actual orders of an officer would be a sufficient proof of compliance with the law. It will be noted that the orders are to be given "by the officers" and not by the Customs Collector or any one acting in his behalf.

The Department further construes the section to mean that the muster of the crew for which the law provides shall take place at such reasonable times and occasions as will determine the facts sufficiently in advance of the time fixed for the sailing of the vessel to permit the engaging of such new members of the crew as may be necessary in time for the vessel to sail without delay. The Department understands the law to require the safeguarding of the vessel through the language test by such means at such times and in such a manner as shall be helpful and not hurtful to our maritime commerce and that it is in no sense intended to be used to create embarrassment or to cause unnecessary expense or delay.

QUALIFICATIONS OF SEAMEN—FOREIGN VESSELS.

Sec. 13, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 268, December 14, 1915.)

Section 13 of the Seamen's Act of March 4, 1915, will apply to all foreign vessels of 100 tons gross and upwards (except those navigating rivers exclusively and the smaller inland lakes and except fishing or whaling vessels or yachts) which depart from any port of the United States on and after March 4, 1916.

The examination as to physical condition and qualifications in the case of able-seamen on foreign vessels, may be conducted by the proper authorities of the country of which the seamen are citizens or subjects.

Section 13 does not require that able-seamen on foreign vessels shall be furnished with certificates as such. The section, however, does provide that a Collector of Customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States, setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section.

Accordingly, it may facilitate the dispatch of foreign vessels from American ports, if the necessary proportion of the deck crews are so certificated, thus preventing the delay necessary to ascertain by inquiry and examination whether in fact the necessary number of the deck crew are able-seamen within the intent of the section.

Certificates issued to able-seamen by competent authorities of the countries of which the seamen are citizens or subjects will be accepted by Collectors of Customs as evidence that the able-seamen so certificated comply with the requirements of Section 13 of the Seamen's Act. These certificates should certify that the able-seaman is of the prescribed age, has had the prescribed sea service, and has passed the examination as to eyesight, hearing, and physical condition, and, for the special class of short-term service men, has also passed the examination as to knowledge of the duties of seamanship.

Department Circular No. 269 (March 14, 1916) provides that able-seamen on foreign vessels on the Great Lakes, and smaller lakes, bays, and sounds must have had at least 18 months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, and sounds.

ENEMY ALIENS NOT CERTIFICATED AS ABLE-SEAMEN.

The United States Steamboat-Inspection Service, in a circular letter dated April 18, 1917, addressed to Inspectors of the Service in districts affected by the Seamen's Act, directed that, under instructions from the President given to the Secretary of Commerce on April 17, 1917, they will not issue, until further advised, certificates of service as able-seamen to persons who are enemy aliens.

LIFE-SAVING REGULATIONS.

Sec. 14, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 266, September 24, 1915.)

1. Section 14 of the Act will apply on and after November 4, 1915, to steam vessels of the United States referred to in the Act, except such steam vessels admitted to American registry under the Ship Registry Act of August 18, 1914.

2. Section 14 will apply on and after September 4, 1916, to steam vessels of the United States admitted to American registry under the Ship Registry Act of August 18, 1914.

3. Section 14 will not apply at any time to—

(a) Foreign steamers not carrying passengers to or from the United States.

(b) Foreign steamers carrying passengers to the United States.

4. Section 14 will apply on and after March 4, 1916, to foreign steamers carrying passengers from the United States under the flags of those countries whose Inspection laws do not approximate those of the United States, unless in the meantime those countries adopt Inspection laws approximating those of the United States and accord reciprocal privileges to vessels of the United States in their ports.

5. Section 14 will not apply to foreign steamers carrying passengers from the United States under the flags of those countries whose Inspection laws approximate those of the United States and that have entered into reciprocal relations with the United States. The countries which have such approximate laws and which have entered into such relations are Denmark, France, Germany, Great Britain, Canada, New South Wales, New Zealand, Japan, The Netherlands, and Norway.

CERTIFICATED LIFEBOAT MEN.

Sec. 14, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 267, October 22, 1915.)

In accordance with the provisions of the Seamen's Act, I hereby designate the following officers to examine applicants for certificates as lifeboat men:

Any commissioned or warrant officer of the United States Navy who may be detailed for such duty by the Commandant of any Navy Yard or the commanding officer of any vessel of the United States Navy.

Commissioned officers of the line and warrant officers of the rank of boatswain or keeper in the United States Coast Guard.

Deck officers of the vessels of the Lighthouse Service, Coast and Geodetic Survey, and Fisheries Service.

Local and assistant Inspectors of Hulls in the Steamboat-Inspection Service.

Applications to any of the above officers for examination for certificate as lifeboat man will receive prompt attention, and the applicant will be examined within the most reasonable time, and certificates will be issued by the examining officers if the applicant is found qualified.

Supplies of certificates and other forms required will be furnished the various officers.

ACCIDENTS TO TOW-BARGES.

Sec. 15, Act, March 4, 1915 (Seamen's Act).

(Department Circular No. 261, August 12, 1915.)

1. For the purpose of administering this Act "barges while in tow through the open sea" shall be such barges while outside the lines dividing the high seas from rivers, harbors, and inland waters, as defined by the Secretary of Commerce pursuant to Section 2 of the Act of February 19, 1895. All accidents sustained or caused by any barge while in tow outside these lines will be reported by the owner, agent, or master to the Collector of Customs and by that officer to the Secretary of Commerce pursuant to Section 15 of the Act quoted.

2. All such accidents inside such lines shall be reported as at present under the Act of June 20, 1874.

SEAMEN'S CERTIFICATES OF NATIONALITY.

(General Letter No. 151, Department of Commerce, July 21, 1917.)

United States Shipping Commissioners and Collectors of Customs acting as such:

Closer scrutiny must be exercised over the engagement of seamen on American merchant ships to prevent the employment of persons inimical to the United States and to the nations with which it is waging war against Germany.

1. Alien enemies [natives of Germany or Austria-Hungary who have not been fully naturalized as citizens of the United States] must not be shipped on American ships except on permits issued by the Attorney-General through the United States Attorney. This rule you will apply to all trades.

2. American seamen must carry either passports or certificates of American citizenship which you are authorized to issue. You will exercise particular care in the issue of these certificates so that they do not get into the hands of those not entitled to them. Certificates issued by local notaries public have no value for the purpose of these rules.

3. Alien seamen hereafter must present certificates of nationality and identity. For this purpose you may accept:

Seamen's identification cards issued and signed by the Immigration authorities of the United States on Immigration Form No. 685.

Identification certificates which may be issued by foreign consuls to their nationals, giving a sufficient description to identify the holder and carrying the holder's photograph.

A continuous discharge book or other seaman's record book sufficient to satisfy you of the identity and nationality of the holder (with photograph attached).

The vigorous prosecution of the war forbids delay in the departure of American ships. It may not be practicable to enforce rules 2 and 3 fully

at the outset. You will accordingly exercise good judgment in special cases which may arise, using your best efforts to give them full effect as soon as possible.

(a) You will apply rules 2 and 3 rigidly as rapidly as possible to all ships bound for Europe, Africa, Australia, and Asia. Without certificates of nationality with photographs attached seamen are not now permitted to land in most of the ports of the Allied nations.

(b) You will apply rules 2 and 3 to all ships in foreign trade to other foreign ports as far and rapidly as may be practicable.

(c) Rules 2 and 3 you will apply in your discretion as rapidly as practicable to the coasting trade, urging seamen to secure documentary evidence of nationality.

As you are aware, persons hostile to the United States and to the nations associated with the United States in war upon Germany may resort to deceit and forgery to secure employment on American ships either for direct hostile purposes or to obtain information which may be useful to our enemies. Others may seek to ship to escape military duty, although mariners actually employed in the sea service of any citizen or merchant within the United States are exempt.

Part of the service we owe to the country at this time is to be vigilant in scrutinizing those seeking employment on American ships and in ascertaining, in cases where you may be in doubt, whether men are in fact who and what they claim to be. You should arrange with the United States Attorney for the examination of men open to suspicion, before allowing them to ship.

This general letter supersedes general letter No. 147, of June 12, 1917.

WILLIAM C. REDFIELD, Secretary.

BUREAU OF WAR RISK INSURANCE.

(Act, June 12, 1917).

There is hereby added to such Act [Sept. 2, 1914], a new section, to be known as section three a, to read as follows:

"Sec. 3a. That whenever it shall appear to the Secretary of the Treasury that the effecting of such insurance is desirable in the national interest in the case of vessels engaged in any trade, the owner of every American merchant vessel engaged in such trade shall insure the master, officers, and crew of such vessel against loss of life or personal injury from war risks as well as for compensation during detention by an enemy of the United States following capture.

"Such insurance shall be effected either with the Bureau of War Risk Insurance or in insurance companies, and on terms satisfactory to the Secretary of the Treasury.

"Such insurance shall provide, and the Bureau of War Risk Insurance is authorized to write policies so providing—

"(a) In case of death, permanent disability which prevents the person injured from performing any and every kind of duty pertaining to his occupation, or the loss of both hands, both arms, both feet, both legs, or both eyes, or any two thereof, for the payment of an amount equivalent to one year's earnings, or to twelve times the monthly earnings of the insured, as fixed in the articles for the voyage (hereinafter referred to as the principal sum), but in no case shall such amount be more than \$5,000 or less than \$1,500;

"(b) In case of any of the following losses, for the payment of the percentage of the principal sum indicated in the following tables:

"One hand, fifty per centum;

"One arm, sixty-five per centum;

"One foot, fifty per centum;

"One leg, sixty-five per centum;

"One eye, forty-five per centum;

"Total destruction of hearing, fifty per centum;

"That the Bureau of War Risk Insurance may include in its policy undertakings to pay specified percentages of the principal sum for other losses or disabilities; and

"(c) In case of detention by an enemy of the United States, following capture, for the payment during the continuance of such detention of compensation at the same rate as the earnings of the insured immediately preceding such detention, to be determined in substantially the same manner as provided in subdivision (a) of this section.

"The aggregate payments under this section in respect to any one person shall not exceed the amount of the principal sum.

"Payments provided for in this section shall be made only to the master, officer, or member of the crew concerned, except that a payment for loss of life shall be made to the estate of the insured for distribution to his family free from liability of debt, and payment on account of detention by an enemy following capture shall be made to dependents of the person detained, if designated by him.

"No claim under this section shall be valid unless made by the master, officer, or member of the crew concerned, or his estate, or a person designated under this section, within two years after the date on which the President suspends the operations of this Act in so far as it authorizes insurance by the United States."

There is hereby added to such Act a new section to be known as section three b, to read as follows:

"Sec. 3b. That in the event of failure of the owner of any vessel to effect insurance of the master, officers, and crew of such vessel prior to sailing, in accordance with section three a of this Act, the Secretary of the Treasury is hereby authorized to effect such insurance with the Bureau of War Risk Insurance at the expense of the owner of such vessel, and the latter shall be liable for such expense and, in addition, to a penalty of not exceeding \$1,000. The amount of such premium, with interest and of the penalty and of all costs, shall be a lien on the vessel." . . .

Section seven of such Act is hereby amended to read as follows:

"Sec. 7. That for the purpose of paying losses and return premiums accruing under the provisions of this Act there is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$50,000,000."

Section 8 of such Act is hereby amended to read as follows:

"Sec. 8. That there is hereby appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the Bureau of War Risk Insurance, including the payment of salaries herein authorized and other personal services, and for the purchase of necessary books of reference, periodicals, etc., that may be paid for in advance out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$250,000."

Section nine of such Act is hereby amended to read as follows:

"Sec. 9. That the President is authorized whenever in his judgment the necessity of further war insurance by the United States shall have ceased to exist to suspend the operation of the Act, in so far as it authorizes insurance by the United States against loss or damage by risks of war, which suspension shall be made, in any event, within four years after the passage of this Act, but shall not affect any insurance outstanding at the time or any claims pending adjustment. For the purpose of the final adjustment of any such outstanding insurance or claims, the Bureau of War Risk Insurance may, in the discretion of the President, be continued in existence a further period not exceeding three years."

RATES FOR INSURANCE.

The following are the rates per \$100, subject to change without notice, which the Secretary of the Treasury has approved for the insurance of masters, officers, and crews:

	Steamers.	Sailing vessels or auxiliaries.
Between ports on Atlantic Coast, U. S., and—		
Atlantic United States ports.....	\$0.03	\$0.06
Gulf United States ports.....	.05	.10
Halifax, St. John and St. Lawrence ports.....	.08	.16
Bermuda, Porto Rico, Cuba, San Domingo, United States, Virgin Islands.....	.06	.12
Other West Indian ports.....	.08	.16
Mexican Gulf ports.....	.06	.12
Panama	.08	.16
North coast South America (not south of Trinidad)....	.11	.22
South America between Trinidad and Cape St. Roque..	.19	.38
East coast South America below St. Roque.....	.30	.60
Via Canal:		
(a) Australasia	.23	.46
(b) India or Africa.....	.26	.52
(c) West Coast South America.....	.19	.38
Via Magellan:		
West Coast South America.....	.38	.76
Via Cape of Good Hope:		
(a) South and East Africa.....	.45	.90
(b) Far East	.45	.90
West and South Coast South Africa.....	.38	.76
United Kingdom	.75	...
France	.75	...
Italy, North Africa, Alexandria.....	.75	...
From United States Gulf ports, same as from United States.		
Atlantic ports, except—		
Cuba	.04	.08
Other West Indian ports.....	.06	.12
Mexico	.04	.08
Panama	.06	.12
North Coast of South America (not south of Trinidad)	.08	.16
South America between Trinidad and Cape St. Roque..	.11	.22
East Coast South America below Cape St. Roque.....	.26	.52
Via Canal:		
(a) Australasia	.19	.38
(b) India or Africa.....	.23	.46
(c) West Coast South America.....	.15	.30
Between Pacific United States ports and—		
Pacific United States ports.....	.02	.04
Hawaiian Islands	.04	.08
Panama	.04	.08
Mexico and Central America.....	.04	.08
West Coast South America.....	.08	.16
China, Japan, Philippines.....	.08	.16
Australasia	.08	.16
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France, via Panama.....	.75	...
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ADDENDA

HANDBOOK

NAVIGATION LAWS

OF THE

UNITED STATES

THIRD EDITION 1918

NOTE:—The following, in addition to several sections of the existing law previously omitted, include the changes made in the Navigation Laws applicable to seamen since the date of original publication.

Compiled by
WALTER MACARTHUR

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CITIZENSHIP OF SEAMEN.

ACT, MAY 9, 1918.

Insert as substitute for R. S. 2174 (repealed).

CITIZENSHIP AFTER THREE YEARS' SERVICE.

That section four of an Act entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," approved June twenty-ninth, nineteen hundred and six, be, and is hereby, amended by adding seven new subdivisions as follows:

"Seventh. . . . Any alien . . . who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden, and while in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom . . . may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; . . . and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate of honorable discharge.

" . . . *Provided further,* That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry. . . .

"Eighth. That every seaman, being an alien, shall, after his dec-

laration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any Act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen; *Provided*, That nothing contained in this Act shall be taken or construed to repeal or modify any portion of the Act approved March fourth, nineteen hundred and fifteen . . . , being an Act to promote the welfare of American seamen."

Page 8.

R. S. 4219.

Insert following R. S. 4131.

PENALTY FOR CARRYING ALIEN OFFICER.

Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: . . . Any vessel [of the United States] any officer of which shall not be a citizen of the United States, shall pay a tax of fifty cents per ton.

Page 14.

ACT, JUNE 10, 1918.

Insert as substitute for R. S. 4452 (repealed).

APPEAL FROM DECISION OF LOCAL INSPECTOR.

That whenever any person directly interested in or affected by any decision or action of any Board of Local Inspectors of Vessels shall feel aggrieved by such decision or action, he may appeal therefrom to the Supervising Inspector of the district; and a like appeal shall be allowed from any decision or action of a Supervising Inspector to the Supervising Inspector General, whose action, when approved by the Secretary of Commerce, shall be final: *Provided, however*, That application for such reexamination of the case by a Supervising Inspector or by the Supervising Inspector General shall be made within thirty days after the decision or action appealed from shall have been

rendered or taken: *And provided further*, That in all cases reviewed under the provisions of this Act where the issue is the suspension or revocation of the license of a licensed officer, such officer shall be allowed to be represented by counsel and to testify in his own behalf.

Sec. 2. That whenever there shall be a disagreement between the Local Inspectors in regard to any matter before them for decision they shall report the case to the Supervising Inspector of the district, who shall investigate and decide the same. Any Supervising Inspector may within thirty days thereafter, upon his own motion, review any decision or action of any Board of Local Inspectors within his district and in like manner the Supervising Inspector General may within thirty days thereafter review any decision or action of any Supervising Inspector or Board of Local Inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final.

Sec. 3. That any decision or action reviewed by the Supervising Inspector General or by any Supervising Inspector, as provided in sections one and two of this Act, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths and to summon and compel the attendance of witnesses by a similar process as in the District Courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness so summoned for his actual travel and attendance as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the District Courts of the United States.

Sec. 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure a proper enforcement of the provisions of this Act.

Sec. 5. That section forty-four hundred and fifty-two of the Revised Statutes, as amended by section six of the Act of March third, nineteen hundred and five, is hereby repealed.

Page 15.

R. S. 4455.

Insert following first paragraph.

INSPECTORS SHALL NOT LICENSE PERSON FROM ANOTHER DISTRICT.

The Inspectors of one district shall not modify or annul the doings of the Inspectors of another district in regard to repairs, unless there

is a change in the state of things, demanding more repairs than were thought necessary when the order was made. Nor shall the Inspectors of one district license a person coming from another district, if such person has been rejected for unfitness or want of qualifications.

Page 16.

ACT, MAY 11, 1918.

First two lines of R. S. 4463 amended to read as follows:

COMPLEMENT OF OFFICERS AND CREW.

“No vessel of the United States subject to the provisions of this title or to the Inspection laws of the United States shall be navigated——”

Page 19.

ACT, MAY 11, 1918.

First paragraph amended to read as follows:

WHALING VESSELS, ETC., EXEMPTED.

Provided, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats, as defined in the Act of June 9, 1910 (see page 24), or to wrecking vessels.

Page 27.

First line of R. S. 4554 corrected to read as follows:

AGREEMENT TO ARBITRATE.

“Every Shipping Commissioner shall hear and decide any question whatsoever——”

ACT, JULY 1, 1918.

Insert between second and third paragraphs.

SEAMEN NEED NOT FURNISH BONDS.

Sec. 1 (Judicial). That courts of the United States, including appellate courts, hereafter shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suit or suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety.

R. S. 4080.

Insert following R. S. 4079.

PROCEDURE IN ARREST OF FOREIGN SEAMAN.

In all cases within the purview of the preceding section the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a district court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or abstract of the shipping-articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commissioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

Insert following R. S. 4080.

CITIZEN OF THE UNITED STATES NOT SUBJECT TO ARREST.

If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of the law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient prima facie case that the matter concerns only the internal order and discipline of such foreign vessels, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officer making the application.

Insert following R. S. 4081.

DISTRICT COURTS SHALL ENFORCE CONSULAR AWARDS.

The district courts, and the United States commissioners, shall have power to carry into effect, according to the true intent and meaning thereof, the award, or arbitration, or decree of any consul, vice-consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice-consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge, application for the exercise of such power being first made to such court or commissioner by petition of such consul, vice-consul, or commercial agent.

And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto, by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice-consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice-consul, or commercial agent: *Provided, however,* That the expenses of the said imprisonment, and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice-consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.

ADDENDA No. 2

(AUGUST, 1920)

HANDBOOK NAVIGATION LAWS OF THE UNITED STATES THIRD EDITION 1918

NOTE:—The following, in addition to several sections of the existing law previously omitted, include the changes made in the Navigation Laws applicable to seamen since the date of original publication.

Compiled by
WALTER MACARTHUR

EXECUTIVE ORDER

February 7, 1920.

In pursuance of the authority conferred upon the President of the United States by Section 2 of the Act approved August 18, 1914, entitled "An Act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," it is hereby ordered:

1.—That the provisions of law prescribing that the watch officers of vessels of the United States shall be citizens of the United States are hereby suspended so far and for such length of time as will permit alien watch officers who now hold United States provisional licenses, and who heretofore have declared their intention to become citizens of the United States, to serve on American vessels engaged in the foreign trade, until three years and three months shall have elapsed after the date of making their respective declarations.

2.—That all executive orders heretofore issued suspending the provisions of law prescribing that all watch officers of vessels of the United States shall be citizens of the United States are hereby revoked.

WOODROW WILSON.

This circular entirely supersedes Circular No. 272 of Sept. 1, 1916, entitled, "Executive Order Under Section 2. Ship Registry Act of August 18, 1914."

Page 24. See Executive Order, September 7, 1917.

Executive Order of September 7, 1917, extended for 18 months from September 1, 1919, by Executive Order of August 8, 1919.

R. S. 4512.

ARTICLES MUST BE SIGNED IN PRESENCE OF SHIPPING COMMISSIONER.

The following rules shall be observed with respect to agreements:

First. Every agreement except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of....., County of.....

"On this.....day of....., personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

R. S. 4513.

EXCEPTION AS TO SHIPPING ARTICLES.

Section 4511 shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reshipe and sail in the same vessel on another voyage without the payment of additional fees to the shipping-commissioner.

ADVANCE AND ALLOTMENT

ACT, JUNE 5, 1920 (SEC. 32).

ADVANCE PROHIBITED.

It shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment, whether made within or without the United States or territory subject to the jurisdiction thereof, shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

Page 51. Amendment to R. S. 4530.

MONEY IN PORT

ACT, JUNE 5, 1920 (SEC. 31).

R. S. 4530.

Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the balance of his wages earned and remaining unpaid

at the time when such demand is made at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void. *Provided*, Such a demand shall not be made before the expiration of, nor oftener than once in, five days nor more than once in the same harbor on the same entry. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall be then due him, as provided in section 4529 of the Revised Statutes: *Provided further*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

Page 107. Amendment to Act, March 4, 1915 (Sec. 20).

DAMAGES FOR INJURIES

ACT, JUNE 5, 1920 (SEC. 33).

Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located.

COMPENSATION FOR ACCIDENTS

The Act of October 6, 1917, was declared unconstitutional by a decision of the Supreme Court of the United States, rendered May 17, 1920. Consequently State Workmen's Compensation laws are no longer applicable to seamen or other persons employed under maritime contracts. (See Act, June 5, 1920, page 107.)

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